Appendix F
Zoning Information and Fees

Permitted Uses in Various Zones

USES PERMITTED IN VARIOUS ZONES*

ZONES	ADDITIONAL USES PERMITTED
A-1, A-2, E-1, E-2, E-3 AND R-1 ONE-FAMILY RESIDENCE ZONES	
R-2 TWO-FAMILY RESIDENCE ZONE	R-1
R-3 LIMITED MULTIPLE-FAMILY RESIDENCE ZONE	R-2 and R-1
R-4 HOTEL-MOTEL-MULTIPLE RESIDENCE ZONE	R-3, R-2 and R-1
R-O RESTRICTED OFFICE ZONE	R-3, R-2 and R-1
C-O MEDICAL OFFICE ZONE	R-3, R-2 and R-1
C-P RESTRICTED COMMERCIAL ZONE	R-4, R-O, C-O, R-3, R-2 and R-1
C-L LIMITED COMMERCIAL ZONE	R-4, R-O, C-O, R-3, R-2 and R-1
C-1 LIMITED COMMERCIAL ZONE	R-4, R-O, C-O, R-3, R-2 and R-1
C-2 COMMERCIAL ZONE	C-P, R-4, R-O, C-O, R-3, R-2 and R-1
C-M COMMERCIAL MANUFACTURING ZONE	C-2, C-P, R-4, R-O, C-O, R-3, R-2 and R-1
M-1 LIGHT MANUFACTURING ZONE	C-M, C-2 (except educational facility), C-P, R-4 (except residential), R-O, C-O
R-H RESORT-RESIDENTIAL HOTEL ZONE	Dual Zoning
P-D PLANNED DEVELOPMENT ZONE	
PUD PLANNED UNIT DEVELOPMENT ZONE	
SP-5 ZONE	
SP-7 RIVIERA CAMPUS SPECIFIC PLAN	
SP-8 HOSPITAL ZONE	
SP-9 VERONICA MEADOWS SPECIFIC PLAN	
S-H SENIOR HOUSING ZONE	
C-X RESEARCH AND DEVELOPMENT AND ADMINISTRATIVE OFFICE ZONE	
H-C- HARBOR COMMERCIAL ZONE	
OC OCEAN-ORIENTED COMMERCIAL ZONE	
OM-1 OCEAN-ORIENTED LIGHT MANUFACTURING	
HRC-1 AND HRC-2 HOTEL AND RELATED COMMERCE ZONES	HRC-1

A-1, A-2, E-1, E-2, E-3 and R-1 ONE-FAMILY RESIDENCE ZONES

28.15.030 Uses Permitted.

A. A single residential unit occupying a single lot, or a group home.

B. Accessory buildings or uses as follows:

1. A private garage, carport or parking spaces.
2. Work or storage sheds for any non-commercial use or equipment.
3. The keeping of horses and necessary outbuildings in conjunction with the residential use of a lot and subject to the following conditions:
   a. The keeping of horses shall be permitted only on lots having an area of twenty thousand (20,000) square feet or more, but in no event for commercial purposes, and provided that the number of animals on any one (1) lot shall be limited to one (1) for every ten thousand (10,000) square feet of lot area, but not more than five (5) per lot.
   b. The keeping of such animals shall conform to all other provisions of law governing same, and no such animals nor any pen, stable, barn or corral shall be kept or maintained within thirty-five feet (35') of any dwelling or other building used for human habitation, or within seventy-five feet (75') of the front lot line of the lot upon which it is located, or within seventy-five feet (75') of any public park, school, hospital or similar institution.
   c. The keeping of any other animal is only permitted pursuant to the provisions of Title 6 of the Santa Barbara Municipal Code.

C. A Home Occupation.

D. A State-licensed Small Family Day Care Home.

E. A State-licensed Large Family Day Care Home, subject to the provisions in Chapter 28.93 of this Title.

F. State authorized, licensed or certified use to the extent it is required by State Law to be an allowed use in residential zones.

G. A Mobilehome which has been certified under the National Mobilehome Construction and Safety Standards Act of 1974 (42 U.S.C. Section 5401 et seq.), as amended from time to time, on an approved permanent foundation.

H. Agriculture, as defined in Section 28.04.030 of this Title, subject to administrative guidelines necessary to monitor and carry out these standards which may be adopted and amended from time to time by resolution of the City Council and subject to the following performance standards:

1. Accessory Buildings. Accessory buildings for agricultural purposes shall not exceed five hundred (500) square feet in aggregate and shall be located a minimum of one hundred (100) feet from any property line. Accessory buildings used for agricultural purposes may be placed on a parcel without a main building. Accessory buildings shall not be placed on ridgelines or in such a manner that the peak of the roof exceeds the ridgeline elevation by more than six (6) feet. All accessory buildings shall be placed outside of the 100-year floodplain of any creeks or drainages on the property. Building siding and roof colors shall be in earth or vegetation tones to minimize visibility unless otherwise approved by the Architectural Board of Review or the Historic Landmarks Commission. If an applicant proposes an agricultural accessory building in excess of five hundred (500) square feet in area, the applicant may apply for a modification under Chapter 28.92 of this Title.

2. Storage Requirements. All flammables, pesticides and fertilizers shall be stored in accordance with the regulations of the Uniform Fire Code and Santa Barbara County Department of Health Services or successor agency. At a minimum, any area where such materials are stored shall have a continuous concrete floor and lip which is tall enough to contain one hundred and ten percent (110%) of the volume of all the materials stored in the area. No pesticides, chemical fertilizers or other hazardous materials shall be stored outside of buildings.
3. Large Vehicles. No vehicles in excess of five (5) tons shall be kept, stored or parked on the property, except that such vehicles may be on the property as necessary for completion of grading performed in accordance with a grading permit issued by the City of Santa Barbara.
4. Sanitation. Sanitary facilities shall be provided for agricultural workers as required by the Santa Barbara County Division of Environmental Health and the California Occupational Safety and Health Administration.
5. Water Meters. All agricultural operations involving an area of one-half (½) acre or greater shall be placed on "Irrigation" water meters, as defined by authorization of Title 14 of this Code.
6. Irrigation Systems. All new or retrofitted agricultural irrigation systems for agricultural uses other than those carried out in greenhouses, shall be designed in accordance with the standards of the Soil Conservation Service for water conserving irrigation.

I. Improvements and additions of 500 square feet or less to existing Public Works Facilities including, but not limited to, sewer lift stations, pump stations, water wells, pressure reducing stations, generator enclosures, minor improvements to existing water storage reservoirs and other miscellaneous structures incidental to or improving the existing use. Standard construction conditions may be imposed on the building permit as deemed appropriate by the Community Development Director. (Ord. 5459, Section 3, 2008; Ord. 5380, 2005; Ord. 4924, 1995; Ord. 4878, 1994; Ord. 4858, 1994; Ord. 4346, 1985; Ord. 4269, 1984; Ord. 4113, 1981; Ord. 3710, 1974; Ord. 3613, 1974; Ord. 2868, 1962.)

28.15.040 Locations Allowed for Mobilehomes.

A. USE OF MOBILEHOMES GENERALLY. Mobilehomes installed in accordance with Section 28.15.030.G may be only allowed on lots located in One-Family Residence Zones, except where the lot is located within:
1. City-designated high fire hazard area (as designated in Chapter 22.04 of this Code).
2. Any landmark district established in accordance with Chapter 22.22 of this Code.

B. INTERIM USE OF A MOBILEHOME TO PROVIDE FIRE SERVICE. Notwithstanding Subsection A hereof, a mobilehome may be used at City Fire Station No. 7 (Sheffield/Stanwood Station) in accordance with Santa Barbara Municipal Code Section 28.15.030.G for the purposes of providing fire protection services, provided the following conditions apply: 1. that such use does not continue for a period of time in excess of five (5) years from its initiation; 2. that the mobilehome is not installed on a permanent foundation; 3. that the requirements of Santa Barbara Municipal Code Section 28.15.085.A and B regarding the required setback and lot coverage regulations are observed to the greatest extent feasible. (Ord. 5459, 2008; Ord. 5275, 2003; Ord. 4269, 1984; Ord. 4134, 1982; Ord. 4113, 1981.)

R-2 TWO-FAMILY RESIDENCE ZONE

28.18.030 Uses Permitted.

The land uses permitted in the R-2 Zone shall be as follows:

1. One and two family dwellings;

2. Any use permitted in the R-1 Zone and subject to the restrictions, limitations and conditions contained therein as an expressly permitted land use in the R-2 Zone except that the construction and use of a parcel for more than one dwelling unit (including buildings and uses accessory thereto) shall be subject to the specific restrictions of the R-2 Zone as established in this Chapter.
3. Buildings and uses accessory to the residential uses allowed under subparagraphs (1) and (2) above. (Ord. 5271, 2003; Ord. 4912, 1995; Ord. 3710, 1974; Ord. 2585, 1957.)

R-3 LIMITED MULTIPLE-FAMILY RESIDENCE ZONE

28.21.030 Uses Permitted.

1. Any use permitted in the R-2 Zone and subject to the restrictions and limitations contained therein, except that any use specifically mentioned hereafter shall be subject to the restrictions of the R-3 Zone.
2. One-, two-, and multiple-family dwellings.
3. Community care facilities, residential care facilities for the elderly and hospices serving 7 to 12 individuals subject to the provisions in Chapter 28.93.

R-4 HOTEL-MOTEL-MULTIPLE RESIDENCE ZONE

28.21.030 Uses Permitted.

1. Any use permitted in the R-3 Zone and subject to the restrictions and limitations contained therein, except that any such use specifically mentioned hereafter shall be subject to the restrictions of the R-4 Zone.
2. Hotels and related recreational, conference center and other auxiliary uses primarily for use by hotel guests. Any hotels, when units are designed or constructed with cooking facilities shall, as to such units, be subject to the lot area per unit requirements of the R-4 Zone and to the parking requirements for multiple family units required in Subsection 28.90.100.G.3 of this Code. Such hotels when designed, constructed or used for either twenty-four (24) or more dwelling units, or fifty (50) guest rooms or more may include a business, except a restaurant, conducted therein for the convenience of the occupants and their guests; provided entrance to such places of business be from the inside of such buildings; that the floor area used for all the businesses in the facility shall not exceed thirty percent (30%) of the total ground floor area of all the buildings comprising the hotel which are on a single lot or contiguous lots; and provided further that no street frontage of any such building shall be used for such business. Any hotel, regardless of the number of units or rooms therein, may include a restaurant for use by the hotel occupants and their guests only, provided that such facility conforms to all other requirements imposed on any "business" by this paragraph. A restaurant not conforming to all other requirements imposed on any "business" by this paragraph or not for use solely by hotel occupants and their guests may be established only if a conditional use permit is obtained for operation of a restaurant under Chapter 28.94 of this Code. (Ord. 4858, 1994; Ord. 4199, 1983; Ord. 3710, 1974; Ord. 2585, 1957.)

R-O RESTRICTED OFFICE ZONE

28.48.030 Uses Permitted.

A. Any use permitted in the R-3 Limited Multiple-family Residence Zone except as otherwise provided in Subsection B. herein.
B. When land classified in an R-O Zone is also classified in another zone, as provided by Section 28.48.001, the following uses shall be permitted:
    1. Any use permitted in the other zone in which the land is classified and when so used subject to the restrictions and limitations contained therein.
    2. Any use permitted in the following subsections and subject to the restrictions and limitations contained in this Chapter.

C. Office buildings in which no activity is carried on catering to retail trade with the general public and no stock of goods is maintained for sale to customers, for the following office uses: accountant, architect, attorney, branch bank, dentist, engineer, insurance broker, physician, real estate broker or stock broker.
D. Research and development establishments and related administrative operations, subject to provisions and definitions contained in Section 28.60.005, 28.60.030 and 28.60.040 of this Title.
E. Community care facilities, residential care facilities for the elderly and hospices serving 7 to 12 individuals.
F. State-licensed Large Family Day Care Homes. (Ord. 4858, 1994; Ord. 3710, 1974; Ord. 3120, 1966.)

C-O MEDICAL OFFICE ZONE

28.51.030 Uses Permitted.

A. Any residential use permitted in the R-3 Limited Multiple-family Residence Zone.
B. Professional offices offering medical and related services, including the following: chiropodists, chiropractors, clinics, dentists, opticians, optometrists, osteopaths, physicians, surgeons and other similar medical offices as approved by the Planning Commission.
C. Hospitals, skilled nursing facilities and other similar buildings and facilities for the treatment of human ailments where facilities are provided for the keeping of patients overnight or longer, subject to the issuance of a conditional use permit and subject to the special procedural provisions prescribed in Chapter 28.94 of this Code.
D. Accessory buildings and accessory uses such as medical laboratories and prescription pharmacies.
E. Medical equipment and supply stores of no more than 3,000 square feet of net floor area. Medical equipment and supply stores of more than 3,000 square feet of net floor area are subject to the issuance of a Conditional Use Permit under Chapter 28.94 of this Code.
F. Banks of no more than 1,000 square feet of net floor area. Banks of more than 1,000 square feet of net floor area are subject to the issuance of a Conditional Use Permit issued under Chapter 28.94 of this Code.
G. Community care facilities, residential care facilities for the elderly and hospices serving up to 12 individuals.
H. State-licensed Large Family Day Care Homes.
I. Birth Centers.
J. Other businesses and occupations that are substantially similar to the uses enumerated above, as determined and documented by the Community Development Director in a manner similar to the substantial conformance determination process provided in the adopted Planning Commission Guidelines. (Ord. 5459, 2008; Ord. 4858, 1994; Ord. 3943, 1978; Ord. 3882, 1977; 3413, 1970; Ord. 3398, 1970; Ord. 2868, 1962; Ord. 2585, 1957.)

C-P RESTRICTED COMMERCIAL ZONE

28.54.030 Uses Permitted in the C-P Zone.

A. Any use permitted in the R-4, R-O and C-O Zones and subject to the use restrictions and limitations contained in the respective zone and in Section 28.54.130.
B. Any of the following uses:
   1. Art school.
   2. Automobile parking areas.
   3. Automobile service station or automobile service station/mini-market containing not more than six (6) pumps and limited to incidental tire and tube repairing, battery servicing, automobile lubrication and other minor automotive service and repair with a conditional use permit issued pursuant to Subsection 28.94.030.U of this Code.

4. Bakery employing not more than ten (10) persons.
5. Bank.
6. Barber shop.
7. Beauty shop.
8. Billiard parlor.
9. Bookstore.
10. Bowling alley.
11. Caterer.
12. Child care center.
13. Confectionery store.
14. Dancing school.
15. Dressmaking or millinery shop.
16. Drugstore.
17. Dry cleaning, pressing and laundry agency.
18. Dry goods or notion store.
19. Florist shop.
20. Garden nursery.
21. Gift shop.
22. Grocery, fruit and vegetable store.
23. Hardware store.
24. Household appliance store and repair.
25. Ice storage house of not more than five (5) ton capacity.
26. Jewelry store.
27. Liquor store.
28. Meat market or delicatessen.
29. Music and vocal schools.
30. Pet shop.
31. Photographic shop.
32. Restaurant, bar, tearoom or cafe.
33. Self-service laundry or dry cleaning.
34. Shoe store or shoe repair shop.
35. Stationery store.
36. Tailor, clothing or wearing apparel shop.
37. Television, radio store and repair.
38. Veterinary hospital for small animals provided;
    a. That no animals are to be boarded overnight except for medical reasons.
    b. That the building shall be designed so as to prevent the escape of all obnoxious odors and noises.
39. Wig shop.
40. Household hazardous waste collection facility, as defined in Section 28.04.405.
41. Accessory buildings and accessory uses, including a storage garage for the exclusive use of the patrons of the above stores or businesses.
42. Automobile rental, restricted to passenger vehicles, not including trailers, campers, trucks, recreational vehicles, etc., with the specific location subject to approval by the Planning Commission.
43. Other businesses and occupations that are substantially similar to the uses enumerated above, as determined and documented by the Community Development Director in a manner similar to the substantial conformance determination process provided in the adopted Planning Commission Guidelines.

C. The above specified stores, shops or businesses, to the extent that they sell merchandise shall sell only at retail, shall sell only new merchandise, except for the resale of used merchandise acquired incidentally in the sale of new merchandise, and shall be permitted only under the following conditions:
   1. Such store, shop or business, except automobile service station and nursery shall be conducted entirely within an enclosed building.
   2. Products made incidental to a permitted use shall be sold at retail on the premises. (Ord. 5459, 2008; Ord. 5380, 2005; Ord. 5040, 1998; Ord. 4858, 1994; Ord. 4825, 1993; Ord. 4033 §4, 1980; Ord. 3727, 1975.)

C-L LIMITED COMMERCIAL ZONE

28.57.030 Uses Permitted in the C-L Zone.

A. Any use permitted in the R-O, C-O and R-4 Zones and subject to the use restrictions and limitations contained in the respective zone, except that any such use specifically mentioned hereafter shall be subject to the use restrictions of the C-L Zone.

B. Any of the following uses:
   1. Antique shop.
   2. Bank.
   3. Barber, beauty shop, including hair stylist.
   4. Candy, ice cream, pastry shop.
   5. Caterer.
   6. Child Care Center.
   7. Delicatessen and specialty food store, including convenience grocery items.
   8. Drug store and pharmacy, limited to stores carrying primarily drugs, personal care and health products.
   9. Florist shop.
   10. Funeral parlor.
   11. Gift shop.
   12. Household hazardous waste collection facility, as defined in Section 28.04.405 of this Title.
   13. Interior decorating shop.
   14. Jewelry store.
   15. Liquor, wine store.
   16. Photographic studio.
   17. Restaurant.
   18. Other businesses and occupations that are substantially similar to the uses enumerated above, as determined and documented by the Community Development Director in a manner similar to the substantial conformance determination process provided in the adopted Planning Commission Guidelines.

C. The above-specified stores, shops or businesses shall be permitted only under the following conditions:
   1. Merchandise shall be sold only at retail;
   2. Except for restaurants and child care centers, all activities shall be conducted entirely within an enclosed building;
   3. Products made incidental to a permitted use shall be sold at retail on the premises.

D. Accessory buildings and uses. (Ord. 5459, 2008; Ord. 4825, 1993; Ord. 3710, 1974; Ord. 2585, 1957.)

C-1 LIMITED COMMERCIAL ZONE

28.63.030 Uses Permitted in the C-1 Zone.

A. Any use permitted in the R-4, R-O and C-O Zones and subject to the use restrictions and limitations contained in the respective zone and in Section 28.63.130, except as otherwise provided in Subsection B. herein.

B. When land classified in a C-1 Zone is also classified in another zone, as provided in Section 28.63.001, uses shall be limited to the following:

1. Any use permitted in Subsection C. herein;
2. Any use permitted in the other zone in which the land is classified and when so used subject to the restrictions and limitations contained therein.

C. Any of the following uses:

1. Antique shop.
2. Automobile service station or automobile service station/mini-market, and accessory uses, limited to incidental tire and tube repairing, battery servicing, automobile lubrication and other minor automotive service within the building not including auto body repair with a conditional use permit issued pursuant to Subsection 28.94.030.U of this Code.
3. Bakery employing not more than ten (10) persons.
4. Bank.
5. Barber shop.
6. Beauty shop.
7. Billiard parlor.
8. Bookstore.
9. Caterer.
10. Child Care Center.
11. Clothing store.
12. Club or lodge.
13. Confectionery store.
14. Dressmaking or millinery shop.
15. Drugstore.
16. Dry cleaning, pressing and laundry agency.
17. Dry goods or notion store.
18. Florist.
19. Garden nursery.
20. Gift shop.
21. Grocery, fruit and vegetable store.
22. Hardware store.
23. Hotel.
24. Household appliance store and repair.
25. Household hazardous waste collection facility, as defined in Section 28.04.405 of this Title.
26. Ice storage house of not more than five (5) ton capacity.
27. Interior decorator.
28. Jewelry store.
29. Liquor store.
30. Meat market or delicatessen store.
31. Offices: general, administrative, business, professional, public.
32. Pet store.
33. Photographer.
34. Photographic store.

35. Research and development.
36. Restaurant and bar.
37. Self-service laundry and dry cleaning.
38. Shoe store, shoe repair.
39. Stationery store.
40. Tailor.
41. Television and radio store and repair.
42. Veterinary hospital for small animals, provided:
    a. That no animals are to be boarded overnight except for medical reasons.
    b. The building shall be designed so as to prevent the escape of all obnoxious odors and noises.
43. Wig shop.
44. Accessory buildings and accessory uses, including a storage garage for the exclusive use of the patrons of the above stores or businesses.
45. Other businesses and occupations that are substantially similar to the uses enumerated above, as determined and documented by the Community Development Director in a manner similar to the substantial conformance determination process provided in the adopted Planning Commission Guidelines.

D. The above-specified stores, shops or businesses shall be permitted only under the following conditions:
    1. Such stores, shops or businesses, except automobile service stations, child care centers, and nurseries, shall be conducted entirely within an enclosed building.
    2. Products made incidental to a permitted use shall be sold at retail on the premises. (Ord. 5459, 2008; Ord. 5380, 2005; Ord. 4825, 1993; Ord. 4033 §5, 1980; Ord. 3710, 1974; Ord. 3461, 1970; Ord. 3421, 1970; Ord. 3398, 1970.)

C-2 COMMERCIAL ZONE

28.66.030 Uses Permitted.

A. Any use permitted in the C-P Zone and subject to the use restrictions and limitations contained in that zone, except that any such use specifically mentioned hereafter shall be subject to the restrictions of the C-2 Zone.

B. Such use shall not be inimical to the public health, welfare, safety or morals by reason of the offering to distribute, or distributing or exhibition to members of the public of any obscene matter as defined in Section 311 of the Penal Code of the State of California.

C. Any of the following uses:
    1. Retail, wholesale or service store or business provided that there shall be no manufacturing, assembly, processing or compounding or products other than such as are customarily incidental or essential to such establishments and provided further that there shall be not more than ten (10) persons engaged in any such manufacture, processing or treatment of products, and not more than fifty percent (50%) of the floor area of the building is used in the treatment, manufacture or processing of products, and that such operations are not objectionable due to noise, odor, dust, smoke, vibration or other similar causes.
    2. Advertising sign board or structure.
    3. Automobile parking area.
    4. Automobile super service station or automobile service station/mini-market including automobile laundry or car wash and auto steam cleaning establishment provided that all tire and tube repairing, battery, servicing and steam cleaning shall be conducted wholly within a building with a conditional use permit issued pursuant to Subsection 28.94.030.U of this Code.

5. Bakery employing not more than twenty (20) persons on premises.
6. Bath, Turkish and the like.
7. Billiard or pool hall or bowling alley.
8. Blueprinting and photostating shop.
9. Church.
10. Cleaning and pressing establishment using non-inflammable and non-explosive cleaning fluid.
11. Conservatory of music.
12. Contractor - no outside storage or storage of heavy equipment.
13. Department store.
14. Educational facility.
15. Electric distributing substation.
16. Funeral parlor.
17. Furniture warehouse for storing personal household goods.
18. Health club, spa, gymnasium.
19. Hospital, clinic or skilled nursing facility.
20. Interior decorating shop.
21. Medical laboratory.
22. Parking garage, public.
23. Pest control.
24. Plumbing shop.
25. Printing, lithographing or publishing establishment.
26. Public parking area.
27. Radio and television store.
28. Refrigerated locker.
29. Restaurant, tea room or cafe.
30. Skating rink.
31. Storage garage, including repairing and servicing.
32. Studio.
33. Taxidermist.
34. Telephone exchange.
35. Theater or auditorium (except drive-in theater).
36. Trade school, not objectionable due to noise, odor, dust, smoke, vibration or other similar causes.
37. Trailer and equipment sales and rental - non-industrial use.
38. Upholstery shop.
39. Used car sales area, provided that no repair or reconditioning of automobiles shall be permitted, except when enclosed in a building.
40. Wedding chapel.
41. Other businesses and occupations that are substantially similar to the uses enumerated above, as determined and documented by the Community Development Director in a manner similar to the substantial conformance determination process provided in the adopted Planning Commission Guidelines.

D. Accessory buildings and accessory uses. (Ord. 5459, 2008; Ord. 5380, 2005; Ord. 4858, 1994; Ord. 4033 §6, 1980; Ord. 3710, 1974; Ord. 3461, 1970; Ord. 3421, 1970; Ord. 3398, 1970; Ord. 2763, 1960.)

C-M COMMERCIAL MANUFACTURING ZONE

28.69.030 Uses Permitted.

A. Any use permitted in the C-2 Zone and subject to the use restrictions and limitations contained in that zone, except that any such use specifically mentioned hereafter shall be subject to the restrictions of the C-M Zone.

B. Any of the following uses, provided that such operations, manufacturing, processing or treatment of products are not obnoxious or offensive by reason of emission of odor, dust, gas, fumes, smoke, liquids, wastes, noise, vibrations, disturbances or other similar causes which may impose hazard to life or property:

1. Automobile body shop.
2. Automobile paint shop.
3. Bakery goods manufacturing.
4. Boat building and repairing and machine shop.
5. Building contractor and material storage.
6. Cabinet shop.
7. Canvas and canvas products manufacturing.
8. Car wash.
9. Cement products manufacturing.
10. Cleaning and dyeing.
11. Clothing products manufacturing.
12. Draying and truck yard or terminal.
13. Electronics products manufacturing.
14. Emergency Shelters in compliance with Chapter 28.79
15. Equipment and trailer rental and storage.
16. Food products manufacturing.
17. House moving.
18. Laundry.
19. Lumber yard.
20. Machine shop.
21. Plating works.
22. Produce warehouse.
23. Research and development establishment and related administrative operations.
24. Rug cleaning.
25. Sheet metal shop.
26. Sign manufacturing.
27. Storage warehouse.
28. Tire retreading.
29. Veterinary hospital.
30. Other businesses and occupations that are substantially similar to the uses enumerated above, as determined and documented by the Community Development Director in a manner similar to the substantial conformance determination process provided in the adopted Planning Commission Guidelines.

C. Accessory buildings and accessory uses. (Ord. 5459, 2008; Ord. 3710, 1974; Ord. 3398, 1970; Ord. 3120, 1966.)

M-1 LIGHT MANUFACTURING ZONE

28.72.030 Uses Permitted.

A. Any use permitted in the C-M Zone subject to the use restrictions and limitations contained in that zone, except that any such use specifically mentioned hereafter shall be subject to the restrictions of the M-1 Zone. Furthermore, no building or any portion of a building shall be erected or used as a dwelling except for a caretaker or night watchperson's residence of no more than four hundred (400) square feet of net floor area.

B. Any of the following uses are permitted provided that such operations, manufacturing, processing or treatment of products are not obnoxious or offensive by reason of emission of odor, dust, gas, fumes, smoke, liquids, wastes, noise, vibrations, disturbances or other similar causes which may impose a hazard to life or property:

1. Agricultural equipment rental.
2. Alcohol and alcoholic beverages manufacture.
3. Assembly plant.
4. Automobile body and fender works, painting and upholstery and automobile laundry.
5. Awning manufacturing.
6. Bag manufacturing.
7. Battery manufacturing and rebuilding.
8. Bedspring manufacturing.
9. Bookbinding.
10. Bottling plant.
11. Brewery.
12. Brush manufacturing.
13. Building materials, new and used.
14. Candle manufacturing.
15. Candy manufacturing.
16. Cannery (except fish and meat products).
17. Cellophane products manufacturing.
18. Cement products manufacturing.
19. Cesspool - pumping, draining, cleaning.
20. Church.
21. Cigar and cigarette manufacturing.
22. Cleaning and dyeing, wholesale.
23. Clock factory.
24. Clothing manufacturing.
25. Coffee roasting.
26. Cold storage plant.
27. Contractor, farming equipment.
28. Cork products manufacturing.
29. Cornice works.
30. Cosmetics manufacturing.
31. Cotton storage.
32. Covenant or monastery, subject to the issuance of a Conditional Use Permit issued under Chapter 28.94 of this Code.
33. Creamery.
34. Dextrine manufacturing.
35. Distribution plant.
36. Dog kennel, boarding, breeding or training.
37. Draying and truck yard or terminal.

38. Drug manufacturing.
39. Educational facility, subject to the issuance of a Conditional Use Permit issued under Chapter 28.94 of this Code.
40. Electrical appliance and equipment manufacturing.
41. Electric utility warehouse and service yard or electric transmission substation.
42. Electronic instruments and devices manufacturing.
43. Feather products, manufacturing or renovation.
44. Felt products manufacturing.
45. Fiber products manufacturing.
46. Fixture manufacturing, gas, electric.
47. Fumigating contractor.
48. Furniture manufacturing.
49. Hay barn.
50. Horn products manufacturing.
51. Ice manufacturing and storage.
52. Ink manufacturing.
53. Insecticides manufacturing.
54. Iron works, ornamental (no casting).
55. Knitting mill.
56. Laboratory for research, testing and experimental purposes.
57. Leather products manufacturing (no tanning).
58. Machinery, farm and repair.
59. Malt products manufacturing.
60. Medicine manufacturing.
61. Metal spinning.
62. Milk pasteurization.
63. Millinery manufacturing.
64. Novelty manufacturing.
65. Packing plant, fruit and vegetables.
66. Paint mixing (no boiling).
67. Paper products manufacturing.
68. Perfume manufacturing.
69. Phonograph manufacturing.
70. Plastic products manufacturing.
71. Plating.
72. Pottery and statuary manufacturing.
73. Produce yard or terminal.
74. Pumping plant.
75. Refrigerating plant.
76. Rope plant.
77. Rubber products manufacturing.
78. Rug manufacturing.
79. Sandpaper manufacturing.
80. Sea shell products manufacturing.
81. Sheet metal products.
82. Starch mixing and bottling.
83. Stone grinding, cutting and dressing.
84. Tool manufacturing (no drop hammer or punch presses).
85. Toy manufacturing.
86. Venetian blind manufacturing.
87. Wood products manufacturing.

88. Other businesses and occupations that are substantially similar to the uses enumerated above, as determined and documented by the Community Development Director in a manner similar to the substantial conformance determination process provided in the adopted Planning Commission Guidelines.

C. Accessory buildings and accessory uses. (Ord. 5459, 2008; Ord. 3710, 1974; Ord. 3398, 1957.)

R-H RESORT-RESIDENTIAL HOTEL ZONE

28.27.010 Dual Zoning Classifications.

Land classified and zoned as R-H shall also be classified and zoned as E-1, E-2, E-3, R-1, R-2 or R-3. (Ord. 3710, 1974; Ord. 2585, 1957.)

28.27.015 Regulations Applicable to R-H Zone/Exclusive Development and Use.

The regulations contained in this part shall apply to property zoned R-H and developed for the uses permitted in Section 28.27.030.

Property classified and zoned R-H shall be developed and used either exclusively under the regulations contained in this part, or exclusively under the regulations applicable to the underlying residential zone. (Ord. 3710, 1974; Ord. 2585, 1957.)

28.27.030 Uses Permitted.

The following uses are permitted in R-H Zones:

1. Resort-residential hotels, consisting of a main building containing dwelling units, and regularly maintained, customary and usual hotel facilities conducted for the convenience of the occupants and their guests including, without limitation, dining rooms, cocktail lounges, news stands and similar facilities, all of which have their main entrance from the lobby; and
2. Together with, and operated under the same ownership as the main building, separate residential structures, hereinafter called guest buildings.
   a. Dwelling units in guest buildings may be equipped with kitchens.
   b. A single guest building may not contain in excess of twelve (12) bedrooms, nor in excess of six (6) dwelling units.
   c. At least fifty percent (50%) of the total number of dwelling units shall be located in guest buildings. (Ord. 3710, 1974; Ord. 2585, 1957.)

P-D PLANNED DEVELOPMENT ZONE

28.39.030 Uses Permitted.

1. Any use permitted in the other zone in which the land is classified and when so used subject to the restrictions and limitations contained therein.
2. Any of the following uses and subject to the restrictions and limitations contained in this chapter.
   (1) New automobile sales, rental and leasing, including trucks of not more than one (1) ton capacity, and including the following accessory uses:
      (a) Used car sales;
      (b) Automotive repair and servicing conducted entirely within a building. Repair bays shall not be visible from a public street;
      (c) Motor home and camper sales;
      (d) Incidental sales, servicing and repair of trucks, truck trailers and buses greater than one (1) ton capacity.
   (2) Automobile washing and polishing.
   (3) Automobile diagnostic center.
   (4) Automobile service station and accessory uses limited to incidental tire and tube repairing, battery servicing, automobile lubrication and other minor automotive service within the building, not including auto body repair.
   (5) Bank.

(6) Boat sales.
(7) Church.
(8) Club or lodge.
(9) Hospital.
(10) Hotel, motel.
(11) Museum.
(12) Offices: general, administrative, business, professional and public.
(13) Parking lots.
(14) Public building.
(15) Recreational vehicle storage.
(16) Research and development.
(17) Restaurant.
(18) Schools: art, music, dance, vocational and public.
(19) Sports centers.
(20) Tennis, swimming, lawn bowling or other sporting club.
(21) Theatre or auditorium.
(22) Trailer sales.
(23) Mini-warehouse, designed and used exclusively for storage of privately owned household articles and vehicles not in inventory for resale; individual storage compartments not to exceed 400 square feet in area. (Ord. 3853, 1976.)

PUD PLANNED UNIT DEVELOPMENT ZONE

28.36.030 Uses Permitted.

A. Any use permitted in the basic zone classification.
B. Planned unit developments containing:
   1. Single-family and/or two-family dwellings.
   2. Multiple-family dwellings, provided no building shall contain more than four (4) dwelling units.
   3. Accessory buildings and uses, such as recreation facilities, parking lots, carports and garages, private and public parks, open spaces and areas for public and private use.
C. A State-licensed Small Family Day Care Home.
D. A State-licensed Large Family Day Care Home, subject to the provisions in Chapter 28.93.
E. State authorized, licensed, or certified uses to the extent they are required by State Law to be allowed in residential zones. (Ord. 4912, 1995; Ord. 4858, 1994; Ord. 3710, 1974; Ord. 2585, 1957.)

SP-5 ZONE

28.46.010 Uses Permitted.

The uses permitted in the SP-5 Zone in the SP-5 Land Use Map depicted on Map A shall be as follows:
Land Use A - Single Residential Units: Uses permitted in Area A are:

1. Single Residential units;
2. Recreational uses including, but not limited to, spas, jacuzzis, and children's play areas;
3. Private open space including, but not limited to, patios, decks, and yards for the private use of the residents of individual homes; and
4. Uses, buildings, and structures incidental, accessory and subordinate to the permitted uses.

Land Use B - Dedicated Open Space: This area is to be maintained in a natural state to pre-serve the creek habitat, protect the steep slopes from erosion, and maintain the scenic quality of these areas. Uses permitted in Area B are:

1. Installation of storm drain systems;
2. Flood control projects; and
3. Brush removal, not including trees, for fire protection purposes, subject to Municipal Code provisions for vegetation removal.

Land Use C - Common Passive Open Space: This area is to be used for passive recreation. Uses permitted in Area C are:

1. Walking trails;
2. Bicycle paths; and
3. Utilities, storm drains, flood control and other infrastructures as approved by the City.

Land Use D - Private Active Recreation: This area is to be used as common recreation for the residents. Uses permitted in Area D are:

1. One recreation building not to exceed 1,500 square feet for the exclusive use of residents and their guests for private social functions;
2. Outdoor decks and picnic areas, barbecue, volleyball court, active recreation lawn area, playground equipment, parking and other incidental amenities appropriate to this use;
3. Landscaped areas for common use; and
4. Drainage detention areas and related facilities.

Land Use E - Neighborhood Recreation: This area is to be developed as a common recreation facility available for use by residents of adjoining neighborhood. Uses permitted in Area E are:

1. Playground equipment, picnic areas, active recreation lawn areas, and other incidental amenities appropriate to this use;
2. Landscaped areas for common use;
3. Open areas required for the protection of scenic, habitat or other resources; and
4. Storm drainage improvements and detention areas and related facilities.

Land Use F - Circulation: This area is to be used for roads and on-street parking. Uses permitted in Area F are:

1. Roads;
2. Sidewalks; and
3. On-street parking areas. (Ord. 4900, 1995.)

RIVIERA CAMPUS SPECIFIC PLAN SP-7 ZONE

28.47.010 Permitted Land Uses.

The following land uses are permitted in the Riviera Campus Specific Plan Zone:

A. Research and development establishments and related administrative operations, provided that no manufacturing is permitted, and further provided that such uses or operations are not hazardous, offensive or obnoxious by reason of the emission of odor, dust, heat, glare, gas fumes, smoke, vibrations, electromagnetic or other radiation resulting in radio or television interference, or by reason of the storage or disposal of waste materials or other products of such operations.

For the purposes of this Section, the word manufacturing shall mean the fabrication, assembly or production of articles other than prototypes or models used for experimentation or research. The word prototype is hereby defined as an original or model or pattern from which manufactured, fabricated or assembled products are developed or copied. No prototype, model or pattern shall be built, erected or constructed to a scale exceeding the ceiling height of the building in which it or they are erected, constructed or developed, and the erection, fabrication or assembly thereof shall be confined to the interior of the building. Product storage related to the research and development business shall be incidental to the research and development use.

B. Administrative offices, provided that such offices are not open to or visited by the general public for the purpose of receiving or disbursing goods, services, information, payments or other such routine or frequent activities. Offices performing personnel employment activities shall be limited to those involving persons actually working at the site and not the general public.
C. Classes or training program activities shall be incidental to the administrative office use of the premises. The number of persons attending such classes shall not exceed ten percent (10%) of the total number of employees regularly (daily) present at the site.
D. Product storage related to the business shall be incidental to the office use only.
E. Movie Theater limited to 6,665 square feet (approximately 453 seats).
F. Professional Offices, including those of an architect, engineer or therapist, provided that no activity is carried on catering to retail trade with the general public and there is no stock of goods for sale to customers (e.g. architect, engineer, counselor).
G. Arts-Related Uses, including, but not limited to, photography studio, artist studio, film development/ production, music recording/editing. Product or raw material storage shall be incidental to the arts-related use. (Ord. 5319, 2004.)

28.47.020 Uses Permitted Upon the Granting of a Conditional Use Permit.
Only the following uses shall be allowed in the Riviera Campus Specific Plan Area subject to the issuance of a Conditional Use Permit, provided that the Planning Commission has made the findings stated in 28.94.020 for such use.
A. Educational facilities.
B. Child care center.
C. Up to three (3) manager/caretaker residential units within or attached to an existing non-residential structure. (Ord. 5319, 2004.)

SP-8 HOSPITAL ZONE

28.49.010 Permitted Land Uses.
The land uses permitted in the SP-8 Zone with respect to the three zone areas shown, as depicted on the SP-8 Land Use Map/Site Plan (dated as of April 26, 2005) on file with the City Clerk of the City, shall be as follows:
A. Land Use Area A – General Acute Care Hospital Facility.
The principal intended uses and structures allowed in Land Use Area A are as follows:
1. General acute care hospital facility licensed by the State of California providing medical, surgical, psychiatric and obstetrical care primarily for inpatients.
2. Emergency medical services and clinical care for outpatient treatment and diagnosis.
3. Uses which are customarily associated with a general acute care hospital, including, but not limited to, the following:
   a. Offices for hospital administrators and hospital employees, including physicians who work for or are under contract with the hospital;
   b. Hospital support facilities, such as medical laboratories, diagnostic testing centers, physical therapy and inpatient pharmaceutical facilities;
   c. Storage facilities for medical equipment and supplies;
   d. Hospital operations, such as food service and laundry facilities;
   e. Maintenance facilities, such as housekeeping and maintenance storage areas;
   f. Extended care facilities;
   g. Overnight accommodations for on-duty hospital employees and medical residents;
   h. Overnight accommodations within the patients' room for patients' families;
   i. Medical libraries, research and educational facilities;
   j. Cogeneration, incineration, water, electrical and heating and cooling equipment facilities;

k. Cafeteria facilities for hospital employees, medical residents, physicians and patients' visitors;
l. Off-street parking facilities;
m. Helicopter landing site for the reception and transport of emergency and trauma patients;
n. Pharmacies, gift stores, ATM facilities, restaurants and retail or personal service shops, provided that primary access is only from within the hospital building;
o. Child-care centers and associated recreational facilities;
p. Chapels and places of worship;
q. Auditoriums;
r. Telecommunications facilities;
s. Employee services, such as credit unions; and,
t. Office uses customary and ancillary to an acute care hospital facility.

4. Those permitted uses provided for in the C-O Medical Office Zone, specifically Section 28.51.030, subsections B through H, as codified at the time of the adoption of the ordinance creating this Chapter.

B. Land Use Area B – Parking Structure, Medical Office Building.
The uses and structures allowed in Land Use Area B are as follows:
1. Open parking lots, single or multi-story parking structures;
2. Uses customary and ancillary to medical office buildings, including, but not limited to, medical laboratories and prescription pharmacies;
3. Office uses customary and ancillary to an acute care hospital facility; and,
4. Pharmacies, gift stores, ATM facilities, restaurants and retail or personal service shops.
5. Those permitted uses provided for in the C-O Medical Office Zone, specifically Section 28.51.030, as codified at the time of the adoption of the Ordinance creating this Chapter.

C. Land Use Area C – Parking Structure; Child Care Facility.
The uses and structures allowed in Land Use Area C are:
1. Child Care Facilities; and,
2. Open parking lots, single or multi-story parking structures.
3. Those permitted uses provided for in the C-O Medical Office Zone, specifically Section 28.51.030, as codified at the time of the adoption of the Ordinance creating this Chapter. (Ord. 5359, 2005.)

SP-9 VERONICA MEADOWS SPECIFIC PLAN

28.50.030 Uses Permitted.

The uses permitted in the SP-9 Zone as depicted on attached Map A (attached as an exhibit to the Chapter and dated as of June 24, 2008) shall be as follows:

A. Area A – Residential Development: Uses permitted in Area A (as depicted on Map A) are:
1. A single residential unit occupying a single lot.
2. Uses, buildings, and structures typically allowed by the City incidental, accessory and subordinate to the permitted residential uses.
3. A Home Occupation.
4. A State-licensed Small Family Day Care Home.
5. A State-licensed Large Family Day Care Home, subject to the provisions in Chapter 28.93 of this Title.
6. State authorized, licensed or certified uses to the extent such a use is required by state law.
7. Creek stabilization, habitat restoration, and related maintenance.
8. Private open space including, but not limited to, patios, decks, and yards for the private use of the residents of individual homes.

9. Common open space and passive recreational areas.
10. Public trails as approved by the City.
11. Brush removal, not including trees, for fire protection purposes, subject to Municipal Code provisions for vegetation removal.
12. Utilities, storm drain system, flood control projects or other infrastructures as approved by the City.
13. The gazebo structure required by the Environmental Impact Report as mitigation for potentially significant impacts to cultural resources.

B. Area B – Open Space: Area B (as depicted on Map A) shall be maintained in its natural state to preserve the steep slopes from erosion or landslide, preserve the creek environment, and maintain the scenic quality of the area. Uses permitted in Area B are the following:
1. Public trails along the Arroyo Burro Creek corridor.
2. Brush removal, not including trees, for fire protection purposes, subject to Municipal Code provisions for vegetation removal.
3. Subsurface utilities, flood control projects or other infrastructure as approved by the City. (Ord. 5456, 2008.)

28.50.035 Uses Permitted Upon the Granting of a Conditional Use Permit.
The uses allowed by conditional use permit shall be as provided in Chapter 28.94 of this Title. However, no development is permitted in Area B under any circumstances. (Ord. 5456, 2008.)

28.50.040 Conditions, Restrictions and Modifications.
In connection with any development approval required to be issued by the City, the City may impose such appropriate and reasonable conditions and restrictions as it may deem necessary for the protection of property in the neighborhood or in the interest of public health, safety and welfare, in order to carry out the purposes and intent of this Chapter. While the provisions of Chapter 28.92 (Variances, Modifications and Zone Changes) shall be applicable within this zone, it is the intent of this Specific Plan that no variance, modification, or other approval shall be granted that would result in a number of residential units within Area A that exceeds the maximum number of residential dwelling units originally specified in Section 28.50.085, and that Area B be permanently maintained in its natural state. (Ord. 5456, 2008.)

S-H SENIOR HOUSING ZONE

28.42.030 Uses Permitted.
1. Any use permitted in the basic zone in which the land is classified, and when so used subject to all of the provisions contained in sections defining said zone.
2. Housing developments for elderly persons, including group dining and recreation facilities accessory thereto subject to the provisions of this chapter. (Ord. 3710, 1974; Ord. 3407, 1970.)

C-X RESEARCH AND DEVELOPMENT & ADMINISTRATIVE OFFICE ZONE

28.60.030 Uses Permitted.
1. Research and development establishments and related administrative operations; provided that no manufacturing is permitted in a C-X Zone and further provided that such uses or operations are not hazardous, offensive or obnoxious by reason of the emission of odor, dust, heat, glare, gas fumes, smoke, vibrations, electromagnetic or other radiation resulting in radio or television interference, or by reason of the storage or disposal of waste materials or other products of such operations.

The word manufacturing as used herein shall mean the fabrication, assembly or production of articles other than prototypes or models used for experimentation or research. The word prototype is hereby defined as an original or model or pattern from which manufactured, fabricated or assembled products are developed or copied. No prototype, model or pattern shall be built, erected or constructed in a C-X Zone to a scale exceeding the ceiling height of the building in which it or they are erected, constructed or developed, and the erection, fabrication or assembly thereof shall be confined to the interior of the building.

2. Administrative offices, provided that:
   a. Such offices are not open to or visited by the general public for the purpose of receiving or disbursing goods, services, information, payments or other such routine or frequent activities.
   b. Personnel employment activities shall be limited to those involving personnel to be working at the C-X site.
   c. Classes or training program activities shall be incidental to the administrative use of the premises. The number of persons shall not exceed ten percent (10%) of the total number of employees regularly (daily) present at the site.
3. Radio and television transmitting and broadcasting stations, provided that:
   a. The height of any antenna or similar device exceeding the maximum allowable height established in Section 28.87.260 shall require a Conditional Use Permit (CUP) pursuant to Municipal Code Chapter 28.94. It is the intent of these administrative office provisions and restrictions to prohibit the conduct of retail, wholesale, service, professional or other business with the general public. These are activities which would cause a large increase in traffic to and from the facility. Necessary visits by service personnel and tradesmen, business calls and other activities normal to a strictly administrative function are intended to be allowed. (Ord. 4891, 1994; Ord. 3710, 1974; Ord. 3703, 1974; Ord. 2808, 1961.)

HC - HARBOR COMMERCIAL ZONE

28.70.030 Uses Permitted in the Harbor and Shoreline Area.

In all areas of the Harbor Commercial Zone the following uses are permitted provided that such operations, manufacturing, processing or treatment of products are not obnoxious or offensive by reason of emission of odor, dust, gas, fumes, smoke, liquids, waste, noise, vibrations, disturbances or other similar causes which may impose a hazard to life and property. Within the Harbor Commercial Zone the primary uses listed below shall be the predominant uses for the harbor and shoreline area.

A. Primary harbor uses:
   1. Marinas, boat moorings, marine service stations, boat yard/repair facilities and related activities.
   2. Marine-oriented government facilities.
   3. Seafood processing.
   4. Services necessary for commercial fishing activities, including such facilities as net repair areas, hoists and ice machines and storage areas.
   5. Other ocean-dependent uses as deemed appropriate by the Planning Commission.
B. Secondary harbor uses:
   1. Museums and other cultural displays relating to the ocean.
   2. Bait and tackle shops.
   3. Boat sales, storage, construction and/or repair.
   4. Diving gear, boat, surfing and other ocean-related equipment rental.
   5. Fast food restaurants, other restaurants, and restaurants with entertainment and meeting facilities used in conjunction with the restaurant.
   6. Marine equipment and accessories sales and/or repair.

7. Marine storage.
8. Marine surveyor.
9. Offices of businesses or persons engaged exclusively in ocean-related activities.
10. Public parking lots.
11. Sail manufacturing and/or repair.
12. Seafood sales and processing.
13. Marine oriented specialty and gift shops.
14. Stores which sell liquor, groceries and food which do not exceed 2,500 square feet in gross floor area.
15. Household hazardous waste collection facilities as defined in Section 28.04.405 of this Title and exclusively serving the area within the H-C Zone.
16. Other ocean-related uses as deemed appropriate by the Planning Commission.

C. Stearns Wharf uses:

1. Art galleries.
2. Bait and tackle shops.
3. Boat sales, storage, construction and/or repair.
4. Diving gear, boat, surfing and other ocean-related equipment rental.
5. Fast food restaurants, other restaurants and restaurants with entertainment facilities used in conjunction with the restaurant.
6. Marine equipment and accessories sales and/or repair.
7. Marine service stations.
8. Marine storage.
9. Marine surveyors.
10. Museums and other cultural displays relating to the ocean.
11. Offices of businesses or persons engaged in ocean-related activities.
12. Sail manufacturing and/or repair.
13. Seafood sales and processing.
14. Specialty and gift shops.
15. Stores which sell liquor, groceries and food which do not exceed 2,500 square feet in gross floor area.
16. Other ocean-dependent, ocean-related and visitor-serving uses as deemed appropriate by the Planning Commission.

D. Five year review of uses:

At least once every five (5) years from March 30, 1993, the Board of Harbor Commissioners shall review the extent and nature of the uses existing in the Harbor and shoreline area of the HC Zone and make a recommendation to the Planning Commission regarding the adequacy of ocean-dependent uses (Harbor primary uses) in relation to ocean-related and visitor-serving uses (Harbor secondary uses) in order to assure that the harbor remains a working harbor. A review of the mix of uses may occur at any other time at the direction of the Board of Harbor Commissioners or Planning Commission. Subsequent reviews shall be at five (5) year intervals thereafter. The Coastal Commission shall receive a copy of the recommendation and accompanying background materials associated with each review. (Ord. 5459, Section 3, 2008; Ord. 4825, 1993; Ord. 4808, 1993; Ord. 4428, 1986; Ord. 4170, 1982.)

OC Ocean-Oriented Commercial Zone

28.71.020 Uses Permitted.

Any of the following uses are permitted, provided that such operations, manufacturing, processing, or treatment of products are not obnoxious or offensive by reason of emission of odor, dust, gas, fumes, smoke, liquids, wastes, noise, vibrations, disturbances, or other similar causes which may impose hazard to life or property:

1. Ocean-dependent and ocean-oriented uses such as:
   a. Aquaculture facilities.
   b. Boat and boat trailer rental.
   c. Marine equipment and accessories manufacturing, sales, repair, storage, or rental.
   d. Marine-oriented government facilities.
   e. Marine research and development facilities.
   f. Offices of businesses engaged in ocean-related activities.
   g. Boat and sail manufacturing and repair.
   h. Seafood processing, wholesaling, storage, and related activities.
   i. Services necessary for commercial fishing activities, including such facilities as net repair areas, ice machines, and storage areas.
   j. Ocean-oriented educational facilities.
2. Commercial recreational uses such as:
   a. Bicycle, roller skating, moped, dive gear, boating, surfing, and other recreational equipment rental, sales, manufacturing, and repair.
   b. Public or private parks or recreational facilities.
3. Arts related uses such as:
   a. Art galleries (may include sales).
   b. Art schools.
   c. Art studios/workspaces (may include sales).
   d. Blueprinting, photostatting, printing, lithographing, or publishing establishments.
   e. Industrial arts and crafts uses, including, but not limited to, framing, jewelry making, metallurgy, pottery, sculpture, specialty sewing/monogramming, and weaving (industrial arts and crafts uses may include sales).

   For the purposes of this Chapter, the term "art" shall be defined as the creative application of a specific skill, the purpose of which is to create objects of form or beauty.
4. Restaurants.
5. Residential Uses.
   a. Generally. Any use permitted in the R-3 zone is allowed in the area bounded by Helena Avenue on the west, the existing railroad right-of-way on the south, Garden Street on the east and Highway 101 on the north, subject to the restrictions and limitations contained in this Chapter so long as the R-3 use is constructed as a project providing a mix of allowed non-residential and residential use where the residential use will not exceed 70 percent of the total building floor area of the development project.

      Any parcel of 5500 square feet or less in size which exist as of the date of the adoption of the ordinance codifying this amendment to Chapter 28.71 and which is not contiguous to another adjacent parcel(s) which is held in common ownership with the first parcel shall be exempt from the above-described mixed-use requirements.
   b. Affordable Housing Projects. Development projects comprised exclusively of units affordable to very low, low, or moderate income households (as evidenced by the recordation of long-term affordability covenants consistent with the City's Affordable Housing Policies and Procedures) shall be exempt from the above-stated mixed-use requirements for this zone.
   c. Existing Residential Buildings. Residential buildings which exist at the time of the adoption of the Ordinance enacting this Chapter (as established by the existence of a valid certificate of occupancy issued by the City), shall not be deemed non-conforming to the requirements of this Chapter and such buildings may be rehabilitated or remodeled (but not demolished) and expanded so long as any such permitted expansion (or expansions in total) does not exceed twenty percent (20%) of the floor area of the existing dwelling unit with the floor area and percentage calculated as of the date of the adoption of the Ordinance enacting this Chapter.

6. Small Stores. Stores that sell liquor, groceries, or food that do not exceed 2,500 square feet in gross floor area.
7. OC Uses Found Consistent. Other ocean-dependent, ocean-oriented, commercial recreational, or arts-related uses that are found to be consistent with the intent of the OC zone by the Planning Commission. (Ord. 5343, 2005.)

28.71.030 Uses Permitted Upon the Issuance of a Conditional Use Permit.

A. Automobile Related Uses. In the OC Zone, automobile rentals and parking lots shall be permitted with a conditional use permit issued in accordance with the provisions of Chapter 28.94 of this Code.

B. Small Hotels. In the OC zone, small hotels shall be permitted upon the issuance of a conditional use permit in the OC zone area designated for "small hotel" on the map attached to this Chapter as Exhibit A subject to the following express limitations:
   1. A small hotel may not have more than six (6) guest rooms;
   2. The size of each hotel guest room shall be limited to a maximum of 300 square feet of floor area (including hallways, closets, baths, interior circulation and other similar floor area) and the room may not include an individual kitchen area;
   3. A common kitchen / dining / lobby area is allowed but may not be located within a guest room;
   4. A manager's residential unit is allowed with a maximum of 600 square feet of floor area provided that the manager's unit is located adjacent to, or with immediate access to, the common or lobby area and provided that it not have a separate access from outside the common area.

C. Findings Required for Small Hotels. Planning Commission approval of small hotels in the area of the OC zone for which they are authorized by subsection B hereof shall be subject to all of the following CUP findings:
   That the small hotel:
   1. will support the goals of the Local Coastal Plan and OC zone to promote a vital, mixed use neighborhood in the Waterfront comprised of a diversity of land uses;
   2. is part of a mixed-use project and in a mixed-use setting within a property having pre-existing legal uses or permitted OC uses;
   3. is compatible with the surrounding land uses and OC uses;
   4. may include a manager's unit if it is necessary to support the hotel or other improvements on the site;
   5. will not be materially detrimental to the public peace, health, safety, comfort and general welfare and will not materially affect property values in the particular neighborhood involved;
   6. has a sufficient area for the site and has a design for the facilities of an appropriate magnitude in view of the character of the land and in view of the proposed development that significant detrimental impact on surrounding properties is avoided;
   7. will provide adequate access and off-street parking 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
   8. will have an appearance (in terms of its arrangement, height, scale, and architectural style of the buildings, location of parking areas, landscaping, and other features) which is compatible with the character of the area. (Ord. 5343, 2005.)

OM-1 OCEAN-ORIENTED LIGHT MANUFACTURING

28.73.030 Uses Permitted in the OM-1 Zone.

A. Any of the following uses provided that such operations, manufacturing, processing or treatment of products are not obnoxious or offensive by reason of emission of odor, dust, gas, fumes, smoke, liquids, wastes, noise, vibrations, disturbances or other similar causes which may impose a hazard to life or property:
   1. Boat sales, storage, construction and/or repair;
   2. Marine storage;
   3. Public parking lots;
   4. Sail manufacturing and repair;
   5. Seafood processing and wholesaling;
   6. Household hazardous waste collection facility as defined in Section 28.04.405 of this Title.
   7. Other ocean-related uses deemed appropriate by the Planning Commission.

B. Any use other than those permitted in Subsection 28.73.030.A above and permitted in the M-1 Zone subject to the restrictions and limitations contained therein and issuance of a Conditional Use Permit. A Conditional Use Permit may be granted by the Planning Commission or City Council on appeal, for such uses in the OM-1 Zone in accordance with the provisions of Chapter 28.94 of this Code, subject to the following additional findings:
   1. The use is compatible with ocean-dependent or ocean-related uses; and
   2. The property would have no feasible economic value if limited to ocean-dependent or ocean-related uses. This finding shall be substantiated by competent evidence determined by the Planning Commission to be objective which includes no present or future demand for ocean-dependent or ocean-related uses.

C. Structures in existence or developments which have a valid and unexpired approval from the Coastal Commission on the effective date of this Sub-section may be used for all uses permitted in the M-1 Zone.

D. Wastewater/sanitation treatment facilities and other essential public service facilities owned and operated by the City of Santa Barbara. (Ord. 5459, Section 3, 2008; Ord. 4825, 1993; Ord. 4429, 1986; Ord. 4171, 1982.)

HRC-1 and HRC-2 HOTEL AND RELATED COMMERCE ZONES#

28.22.030 Land Uses Permitted.

The following land uses are allowed in the HRC zones indicated:

A. HRC-1 ZONE:
   Hotels, motels and tourist courts, including related recreational, conference center and other auxiliary uses primarily for use by hotel guests and as permitted in Section 28.21.030.B.2 of this code. In addition, restaurants, including those with entertainment facilities used in conjunction with the restaurant, are allowed.

B. HRC-2 ZONE:
   1. General. Any use permitted in the HRC-1 Zone and subject to the restrictions and limitations contained therein.
   2. Specific. Any of the following uses which are primarily visitor-serving or of a commercial recreational nature specific to the Coastal Zone are allowed:
      a. Bicycle, roller skating, moped, dive gear and other recreational equipment rental stores.
      b. Stores which sell liquor, groceries and food, which do not exceed 2,500 sq. ft. in gross floor area.

c. Specialty and gift shops.
d. Art galleries.
e. Bait and tackle shops, sales of boats, marine supplies and related equipment.
f. Other visitor-serving or commercial recreational uses deemed appropriate by the Planning Commission.

3. General Office Use. The second and third floors of commercial buildings are allowed to be used for general office uses upon issuance of a Conditional Use Permit. A Conditional Use Permit may be granted by the Planning Commission or City Council on appeal for such uses in accordance with the provisions of Chapter 28.94 of this Code, subject to the following additional findings:
   a. The use is compatible with visitor-serving uses;
   b. Visitor-serving uses remain the primary use of the building; and
   c. Non-visitor-serving uses shall not exceed fifty (50) percent of the total square footage of the building.
4. Restriction on Residential Use. Residential use is prohibited in the HRC-2 Zone except in the area bounded by Cabrillo Boulevard on the southeast, Los Patos Way on the southwest and the existing railroad right-of-way on the north. Any use permitted in the R-3 Zone is allowed in these areas subject to the restrictions and limitations contained in this Chapter.
5. Special Treatment Area. The following additional restrictions shall apply in the area bounded by Cabrillo Boulevard on the southeast, Los Patos Way on the southwest and the existing railroad right-of-way on the north, due to concerns about protection of the sensitive habitat character and aesthetics of the Andree Clark Bird Refuge:
   a. High Intensity Uses. The following high-intensity uses shall be prohibited:
      i. fast food restaurants
      ii. stores which sell liquor, groceries and food, except that off-site sale of beer and wine and picnic items may be allowed only when incidental to and related to the primary use of the establishment.
      iii. automobile service station.
   b. Front Setback. There shall be a front setback of not less than:
      i. Ten (10) feet for one-story buildings that do not exceed fifteen (15) feet in height; and
      ii. one hundred (100) feet for the second-story portion of any building that exceeds fifteen (15) feet in height.
   c. Building Height. Three-story buildings and buildings in excess of thirty (30) feet in height shall be prohibited. (Ord. 5459, 2008; Ord. 5343, 2005; Ord. 4320, 1985; Ord. 4172, 1982.)

28.22.035 Uses Permitted Upon the Issuance of a Conditional Use Permit.
In the HRC-2 Zone, automobile rentals, parking lots, automobile service stations and automobile service station/mini-markets shall be permitted with a conditional use permit issued in accordance with the provisions of Chapter 28.94 of this Code, except where specifically prohibited elsewhere in this Chapter. (Ord. 4320, 1985; Ord. 4172, 1982.)

 # Land classified in the HRC-2 zone may also be overlaid with a second classification of being in the Ocean-Oriented Commercial zone (hereinafter referred to as the "OC zone.") The OC zone regulations shall apply to all development projects on land with a dual HRC-2 / OC zoning designation. (Ord. 5343, 2005; Ord. 4320, 1985; 4172, 1982.)

Note: These are excerpts from the Zoning Ordinance. Please refer to the Zoning Ordinance for additional information.

Appendix F (cont.)

Residential Development Standards

Residential Development Standards
City of Santa Barbara (2014)

Zone	Bldg. Height	Street Frontage	Setbacks			Minimum Lot Area	Number of Units	Parking Spaces	Open Space
			Front	Side	Rear				
A-1	30 ft.	100 ft.	35 ft.	15 ft.	15 ft.	43,560 sq. ft.*	1	2	1,250 sq. ft.
A-2	30 ft.	100 ft.	30 ft.	10 ft.	10 ft.	25,000 sq. ft.*	1	2	1,250 sq. ft.
E-1	30 ft.	90 ft.	30 ft.	10 ft.	10 ft.	15,000 sq. ft.*	1	2	1,250 sq. ft.
E-2	30 ft.	75 ft.	25 ft.	8 ft.	8 ft.	10,000 sq. ft.*	1	2	1,250 sq. ft.
E-3	30 ft.	60 ft.	20 ft.	6 ft.	6 ft.	7,500 sq. ft.*	1	2	1,250 sq. ft.
R-1	30 ft.	60 ft.	15-20 ft.	5 ft.	5 ft.	6,000 sq. ft.*	1	2	1,250 sq. ft.
R-2	30 ft.	60 ft.	15-20 ft.	3-6 ft.	3-6 ft.	7,000 sq. ft.*	3,500 sq. ft. per unit*	2 per unit	1,250 sq. ft. (For lots w/ >3 units additional 100-160 sq. ft. per unit)
R-3	45 ft./ 3 stories	60 ft.	15-20 ft.	3-10 ft.	3-10 ft.	14,000 sq. ft.	1,600-4,999 sq. ft. per unit	1-2 per unit	60-160 sq. ft. per unit plus 10% of net lot area
R-4	45 ft./ 3 stories	60 ft.	15-20 ft.	3-10 ft.	3-10 ft.	14,000 sq. ft.	1,600-4,999 sq. ft. per unit	1-2 per unit	60-160 sq. ft. per unit plus 10% of net lot area
R-O	45 ft./ 3 stories	None	10-20 ft.	6-10 ft.**	6-10 ft.**	None	1,600-4,999 sq. ft. per unit	1-2 per unit	60-160 sq. ft. per unit plus 10% of net lot area
C-O	45 ft./ 3 stories	None	10-20 ft.	5-10 ft.**	5-10 ft.**	None	1,600-4,999 sq. ft. per unit	1-2 per unit	60-160 sq. ft. per unit plus 10% of net lot area
C-P	45 ft./ 3 stories	None	10 ft.	0-10 ft.**	0-10 ft.**	None	1,600-4,999 sq. ft. per unit	1-2 per unit	60-160 sq. ft. per unit plus 10% of net lot area
C-L	45 ft./ 3 stories	None	10 ft.	0-10 ft.**	0-10 ft.**	None	1,600-4,999 sq. ft. per unit	1-2 per unit	60-160 sq. ft. per unit plus 10% of net lot area
C-1	45 ft./ 3 stories	None	10 ft.	0-10 ft.**	0-10 ft.**	None	1,600-4,999 sq. ft. per unit	1-2 per unit	60-160 sq. ft. per unit plus 10% of net lot area
C-2	60 ft./ 4 stories	None	0-20 ft.	0-10 ft.**	0-10 ft.**	None	1,600-4,999 sq. ft. per unit	1-2 per unit	60-160 sq. ft. per unit plus 10% of net lot area
C-M	60 ft./ 4 stories	None	0-20 ft.	0-10 ft.**	0-10 ft.**	None	1,600-4,999 sq. ft. per unit	1-2 per unit	60-160 sq. ft. per unit plus 10% of net lot area

Zone	Bldg. Height	Street Frontage	Setbacks			Minimum Lot Area	Number of Units	Parking Spaces	Open Space
			Front	Side	Rear				
SP-5	30 ft.	Specific Plan	25 ft.	10 ft.	10 ft.	6,500 sq. ft.	1	1-2 per unit	Dedicated Open Space
SP-7	35 ft.	Specific Plan	35 ft.	25 ft.	25 ft.	None	3	1-2 per unit	40% of net lot area
SP-8	Area A: 60 ft. Area B-C: 45 ft.	Specific Plan	10 ft.	10 ft.	10 ft.	None	Area A: N/A Area B-C: Same as R-3 Zone	1-2 per unit	Area A: N/A Areas B-C: Same as R-3 Zone if residential use
S-P 9	30 ft.	Specific Plan	20 ft.	6 ft.	6 ft.	7,000 sq. ft.	23	2 per unit	1,250 sq. ft./lot
OC	45 ft./ 3 stories	None	10-20 ft.	0-10 ft.**	0-10 ft.**	None	Same as R-3 Zone in Designated Areas***	1-2 per unit	Same as R-3 Zone in Designated Areas
HRC-2	45 ft./ 3 stories	None	10-20 ft.	0-10 ft.**	0-10 ft.**	None	Same as R-3 Zone in Designated Areas	1-2 per unit	Same as R-3 Zone in Designated Areas

*__SLOPE DENSITY:__ With the exception of those parcels having frontage on the Pacific Ocean, the minimum lot areas specified above shall be increased as follows:

AVERAGE SLOPE OF ENTIRE PARCEL	*1. INCREASE IN MINIMUM LOT SIZE*
0.000-9.999%	No increase in minimum lot size
10.000-20.000%	1.5 times minimum lot size
20.001-30.000%	2 times minimum lot size
30+%	3 times minimum lot size

**Properties next to residentially-zoned properties shall have a setback of not less that ½ the height of the building.

***Special restrictions apply.

Note: Residential units developed under the Average Unit-Size Density Incentive Program are allowed increased densities and flexibility in building height, setback, distance between buildings, parking and open space requirements.

Appendix F (cont.)

Permit Process Timelines

This table shows the estimated timeline for all development applications that require Staff Hearing Officer or Planning Commission approval, including Tentative Subdivision or Parcel Maps, condominiums, Planned Unit Developments, Planned Residential Developments, Development Plan Approval, Conditional Use Permits and Modifications.

Timeline for Residential Projects
Requiring Staff Hearing Officer[1] or Planning Commission Review[2]

Process Step	Time	Total Time
1. Pre-application Review Team[3] (PRT) submittal and review (including meeting with applicant)	4 weeks	4 weeks
2. Concept Design Review submittal & hearing	4 weeks[4]	8 weeks
3. Initial Development Application Review Team (DART) submittal to City by applicant	8 weeks[4]	16 weeks
4. 1st 30-day application completeness review	4 weeks	20 weeks
5. 2nd DART submittal to City by applicant	6 weeks[4]	26 weeks
6. 2nd 30-day application completeness review/project declared complete	4 weeks	30 weeks
8.a. Environmental Determination/project exempt from CEQA	4 weeks	34 weeks
8.b. Staff Hearing Officer[5] or Planning Commission[6] hearing; **or**	4 weeks	**38 weeks total**
8.a. Environmental Determination/project not exempt from CEQA	4 weeks	34 weeks
8.b. Preparation of Initial Study and Draft Negative Declaration[7]	8 weeks	42 weeks
8.c. Public review period for Draft ND	4 weeks	46 weeks
8.d. Staff Hearing Officer or Planning Commission hearing	6 weeks	**52 weeks total**
Source: City of Santa Barbara 2010		

[1] Staff Hearing Officer (SHO) Review is required for Tentative Subdivision Maps for 2-4 lots or condominiums (must also be outside the Hillside Design District, meet the street frontage requirements, and not abut or include portions of certain named creeks and their tributaries) and conversions of 2-4 residential rental units to condominiums.
[2] Planning Commission review is required for those projects that do not qualify for SHO review.
[3] PRT Review is optional for SHO projects.
[4] This is an estimate of the average time it takes an applicant to submit. The City has no control over the length of time.
[5] Actions of the SHO can be suspended and/or appealed to the Planning Commission and, subsequently appealed to the City Council within 10 days of the action. Other steps after SHO review include preliminary and final design review and building permit issuance.
[6] Actions of the Planning Commission can be appealed to the City Council within 10 days of the action. Other steps after Planning Commission review include preliminary and final design review and building permit issuance
[7] Add 4-6 months for the preparation of an Environmental Impact Report and public comment on the draft EIR, and 2-3 months for certification of the final EIR.

This table shows the estimated timeline for development applications that only require design review, and which are exempt from the California Environmental Quality Act (CEQA). Project exempt from CEQA include multi-family rental, duplex rental, and some single family residential.

Timeline for Residential Projects
Requiring Only Design Review and Exempt from CEQA

Process Step	Time	Total Time
1. Concept Design Review submittal & hearing[8]	2 weeks	2 weeks
2. 2nd Concept Design Review submittal to City by applicant[9]	2 weeks	4 weeks
3. 2nd Concept Design Review hearing	1 weeks	5 weeks
4. Design Review Preliminary Approval submittal to City by applicant[10]	4 weeks	9 weeks
5. Design Review Preliminary Approval (includes environmental review)	2 weeks	11 weeks
6. Final Design Review Approval submittal (Final Approval requires working drawings)	4-6 weeks	15-16 weeks
7. Final Design Review Approval	1-2 weeks	***16-17 weeks total***
Source: City of Santa Barbara 2010		

[8] New multiple family, new duplex, and new single-family residences require a public notice be sent to surrounding property owners 10 days before the Design Review hearing. In those instances, it takes at least 2 weeks to be scheduled for a Design Review hearing.
[9] On average, a project receives at least two concept reviews by the Design Review Board. AUD rental projects on sites of 15,000 square feet or greater in the High Density or Priority Housing Overlay areas require conceptual review by the Planning Commission prior to project design approval.
[10] Length of time for re-submittal also depends on whether any special environmental studies are required (i.e., geology, soils, archaeological, historic, etc.).

Appendix F (cont.)

City Parking Requirements

Parking Requirements for Residential Uses City of Santa Barbara (2014)	
Use	**Off-Street Parking Requirement**
Single Residential Unit (SFR) or Group Home	2 covered spaces/unit
Two Residential Unit (Duplex) 100% very low, low rental units	2 spaces/unit (1 covered, 1 uncovered) 1 uncovered space/unit
Multi-Family Residential (Non-AUD) Studio 1 Bedroom 2+ Bedroom Guest Spaces 100% very low, low rental units	 1.25 spaces/unit 1.5 spaces/unit 2.0 spaces/unit (at least 1 uncovered space/unit for condominiums, community apartment or stock cooperative) 6 or more residential units, 1 guest space per every 4 units is required 1 uncovered space/unit
Average Unit-Size Density (AUD) Multi-Family Residential	Minimum 1 space/unit (covered or uncovered) No guest parking required Minimum 1 bicycle space/unit (covered and secured)
Planned Unit Development (PUD)	2 covered spaces and 0.5 uncovered space/unit
Senior Housing Low-income senior housing	1 uncovered space/unit 0.5 uncovered spaces/unit
Mobile homes and Recreational Vehicles MH on permanent foundation MH or permanent RV park Guest parking	 2 covered spaces 2 spaces/MH and RV space, tandem parking acceptable 1 space per every 4 MH and RV spaces, on-street parking on internal roadways may count as guest parking requirement
Boarding House, Club, Fraternity/Sorority House, Dormitory	1 space/bedroom
Community Care Facility	1 space/2 bedrooms
Mixed Use Developments Where residential uses occupy up to 50% Located in Central Business District (CBD) Tandem parking	 Parking requirement reduced by 50%, covered parking not required 1 uncovered space/unit, no guest parking required Each set of tandem parking spaces must be assigned to a single residential unit

Appendix F (cont.)

Residential Development Applications and Fees

Residential Development Applications and Fees

DEVELOPMENT FEES (2014)															
		5-10 LOT SFR SUBDIVISION		5-10 UNIT CONDOMINIUM SUBDIVISION		5-10 UNIT AFFORDABLE CONDOMINIUM SUBDIVISION		5-10 UNIT APARTMENT BUILDING		DUPLEX CONDOMINIUM		DUPLEX RENTAL		SINGLE FAMILY RESIDENCE	
DEVELOPMENT REVIEW FEES															
Pre-Application Review Fees		2,630		2,630		2,630		1,050	*	2,095	*	1,050	*	1,050	
Tentative Subdivision Map		11,055		11,055		11,055		0		8,610		0		0	
Environmental Assessment															
	Categorical Exemption from CEQA	1,975	*	1,975		1,975		510	1	1,975	2	510	3	510	3
	Negative Declaration	10,500		10,500	*	10,500	*	10,500	*	10,500	*	10,500	*	10,500	*
	Environmental Impact Report (4)	17,450	*	17,450	*	17,450	*	17,450	*	17,450	*	17,450	*	17,450	*
Design Review (7)															
	Single Family Design Board	11,225	5	0		0		0		0		0		1,075	6
	Architectural Board of Review	0		1,980		1,980		1,980		1,490		1,490		0	
	Historic Landmarks Commission	0		1,980	*	1,980	*	1,980	*	1,490	*	1,490	*	1,075	
Modification															
	First Modification	2,285		2,285		2,285		985		2,285		985		985	
	Additional modification (each)	1,160	*	1,160	*	1,160	*	525	*	1,160	*	525	*	525	*
Coastal Development Permit (8)		6,630	*	6,630	*	6,630	*	6,630	*	5,150	*	5,150	*	5,150	*
Rezoning (i.e. PUD/PRD)		16,770	*	16,770	*	16,770	*	16,770	*	16,770	*	16,770	*	16,770	*
SUB-TOTAL		37,695		19,925		19,925		3,475		14,360		2,985		3,620	
		10 SFR SUBDIVISION		10 UNIT CONDOMINIUM SUBDIVISION		10 UNIT AFFORDABLE CONDOMINIUM SUBDIVISION		10 UNIT APARTMENT BUILDING		DUPLEX CONDOMINIUMS		DUPLEX RENTAL		SINGLE FAMILY RESIDENCE	
BUILDING PERMIT FEES															
Zoning Plan Check		7,600	9	3,815		3,815		3,815		1,290		1,290		765	
Land Development Team Recovery Fee (13)		11,309		5,978		5,978		1,043		4,308		90		1,086	
Building Permit		120,050	10	11,045	11	11,045	11	11,045	11	11,718	12	11,718	12	12,005	10
SMIP		325		115		115		115		31		31		35	
Plan Storage (14)		500		400		400		300		200		200		200	
Technolgy Fee		8,368		1,302		1,302		1,042		1,011		811		827	
Fire Department Plan Check		1,420		1,420		1,420		1,420		284		284		142	
Transportation Plan Check		481		481		481		481		172		172		172	
School Fees		69,700		24,600		24,600		24,600		6,560		6,560		6,970	
General Plan Update Fee		16,262		2,531		2,531		2,025		1,964		1,577		1,608	
SUB-TOTAL		236,015		51,687		51,687		45,886		27,538		22,733		23,810	

Residential Development Applications and Fees (cont.)

	10 SFR SUBDIVISION	10 UNIT CONDOMINIUM SUBDIVISION	10 UNIT AFFORDABLE CONDOMINIUM SUBDIVISION	10 UNIT APARTMENT BUILDING	DUPLEX CONDOMINIUMS	DUPLEX RENTAL	SINGLE FAMILY RESIDENCE
PUBLIC WORKS FEES							
Final/Parcel Map	6,436	6,436	6,436	0	2,876	0	0
Water Meter and Connection (assumes 1" w	24,950	24,950	24,950	24,950	4,990	4,990	2,495
Water Buy-In (assumes 5/8")	60,700	60,700	60,700	60,700	12,140	12,140	6,070
Sewer Connection	7,250	7,250	7,250	745	1,450	745	725
Sewer Buy-In	49,770	49,770	49,770	49,770	9,954	9,954	4,977
Frontage Improvement Inspection (assumes 50-foot frontages for single-family and 100-foot for multi-family)							
Replacement of Existing							
> 30 lineal feet	4,630 *	658 *	658 *	658	658 *	658	463
Plan Check	34 *	34 *	34 *	34	34 *	34	34
Improvement Plans (assumes 20K Engineer's Estimate)							
Plan Check	656	148	148	148 *	34	34 *	34 *
Inspection	1,340	191	191	191	191	191	191
Addressing	680	680	680	68	68	68	68
SUB-TOTAL	151,782	150,125	150,125	137,116	31,703	28,589	15,023
TYPICAL SCENARIO	**425,492**	**221,737**	**221,737**	**186,477**	**73,601**	**54,307**	**42,453**
FEES PER UNIT	**42,549**	**22,174**	**22,174**	**18,648**	**36,801**	**27,153**	**42,453**

* These fees are not typically levied on this type of project.

1 assumes non-DART process with studies
2 assumes DART process without studies
3 assumes non-DART process without studies
4 Assumes staff preparation of EIR, and based on $9,450 for IS + $8,000 deposit for EIR. Actual cost is $9,450 + $120/hour.
5 Cost for subdivision site review, will also require design review for each home, based on square footage, estimated at $1,075 per home.
6 assumes 2,501-3,500 square foot house
7 Either SFDB, ABR or HLC required, it is extremely rare for a project to require more than one review body
8 If project qualifies for an exclusion (i.e. located in the non-appealable jurisdiction, fee is $5,150 if a CDP is required.
9 assumes houses are built on each lot
10 assumes a 3,000 s.f. SFR with 400 s.f. garage on each lot
11 assumes 1,000 s.f. unit and 200 s.f. garage for each unit
12 assumes 1,200 s.f. unit plus 400 s.f. garage for each unit
13 Actual fee is 30% of all planning fees; estimate is based on typical fees identified above, assuming one modification and a categorical exemption.
14 Actual fee is $20/page

School Fees (% of total)	16.38%	11.09%	11.09%	13.19%	8.91%	12.08%	16.42%
Sewer and Water Fees (% of total)	33.53%	64.34%	64.34%	73.02%	38.77%	51.24%	33.61%
Remainder of fees (% of total)	50.09%	24.56%	24.56%	13.79%	52.32%	36.68%	49.98%

Appendix F (cont.)

Inclusionary Housing Ordinance

City of Santa Barbara

INCLUSIONARY HOUSING ORDINANCE (EXCERPT)

CHAPTER 28.43
INCLUSIONARY HOUSING ORDINANCE *

Sections:

28.43.010 Purposes and Intent.
28.43.020 Definitions.
28.43.030 Inclusionary Requirements.
28.43.040 Exemptions.
28.43.050 Incentives for On-Site Housing.
28.43.060 Affordable Housing Standards.
28.43.070 In-Lieu Fees.
28.43.080 Alternative Methods of Compliance.
28.43.090 Inclusionary Housing Plan Processing.
28.43.100 Eligibility for Inclusionary Units.
28.43.110 Owner-Occupied Units; Sales Price; Long-Term Restriction.
28.43.120 Adjustments and Waivers.
28.43.130 Affordable Housing Inclusionary Fund.

28.43.010 Purposes and Intent.

A. The purposes and intent of this Chapter, which shall be known as the "City of Santa Barbara Inclusionary Housing Ordinance," are the following:

1. To encourage the development and availability of housing affordable to a broad range of Households with varying income levels within the City;

2. To promote the City's goal to add affordable housing units to the City's housing stock;

3. To increase the availability of housing opportunities for Middle Income and Upper-Middle Income households within the City limits in order to protect the economic diversity of the City's housing stock, reduce traffic, commuting and related air quality impacts, and reduce the demands placed on transportation infrastructure in the region; and

4. To implement policies of the Housing Element of the General Plan which include: a. adopting an inclusionary housing program to meet the housing needs of those not currently served by City Housing and Redevelopment Agency programs; and b. encouraging the development of housing for first time home buyers, including moderate and Middle Income households. (Ord. 5310, 2004.)

28.43.020 Definitions.

As used in this Chapter, the following terms shall have the meaning and usage indicated below:

A. AFFORDABLE HOUSING POLICIES AND PROCEDURES. The City's Affordable Housing Policies and Procedures as adopted by the City Council of the City of Santa Barbara and amended from time to time.

B. AFFORDABLE HOUSING INCLUSIONARY FUND. That special fund of the City established by the City as provided in Section 28.43.130.

C. AREA MEDIAN INCOME. The median household income as provided in Section 50093(c) of the California Government Code, as it is currently enacted or hereinafter amended.

D. APPLICANT. Any person, firm, partnership, association, joint venture, corporation, or any entity or combination of entities, which seeks City approvals for all or part of a Residential Development.

E. HOUSEHOLD. One person living alone or two or more persons sharing residency whose income is considered for housing payments.

F. INCLUSIONARY HOUSING PLAN. A plan for a residential development submitted by an Applicant as provided by Section 28.43.090(b).

G. INCLUSIONARY UNIT. An Ownership Unit that must be offered to eligible purchasers (in accordance with eligibility requirements set by the City) at a City-approved affordable sale price according to the requirements herein.

H. MARKET-RATE UNIT. An Ownership Unit in a Residential Development that is not an Inclusionary Unit.

I. MIDDLE INCOME HOUSEHOLD. A Household whose income is between one hundred twenty percent (120%) and one hundred sixty percent (160%) of the Area Median Income, adjusted for household size.

J. OFF-SITE INCLUSIONARY UNIT. An Inclusionary Unit that will be built separately or at a different location than the main development.

K. ON-SITE INCLUSIONARY UNIT. An Inclusionary Unit that will be built as part of the main development.

L. OWNERSHIP UNIT. A dwelling unit that may be sold separately under the requirements of the State Subdivision Map Act. For purposes of this Chapter, a dwelling unit may be designated as an Ownership Unit whether or not it is rented by the owner thereof. The following shall be considered to be a single Ownership Unit: 1. a dwelling unit together with an attached Secondary Dwelling Unit approved under Chapter 28.94, or 2. a dwelling unit together with an additional dwelling unit on the same lot approved under Chapter 28.93 of the City's Municipal Code.

M. RESIDENTIAL DEVELOPMENT. The proposed development of any single family, duplex or condominium Dwelling Units in residential or mixed use developments requiring a tentative subdivision map under the City's Subdivision Ordinance. Residential Development shall include the conversion of rental housing to condominiums or similar uses as described in Chapter 28.88 of this Municipal Code.

N. RESIDENTIAL LOT SUBDIVISION. The subdivision of land into individual parcels where the application to the City for the subdivision approval does not include a concurrent request for City design approval of the residential dwelling units or homes to be constructed upon on such lots.

O. TARGET INCOME. A number, expressed as a percentage of Area Median Income, used in calculating the maximum sale price of an affordable housing unit. It is the household income to which the unit is targeted to be affordable.

P. UNIT SIZE. All of the usable floor area within the perimeter walls of a dwelling unit, exclusive of open porches, decks, balconies, garages, basements, cellars that extend no more than two (2) feet above finished grade, and attics that do not exceed a floor-to-ceiling height of five (5) feet.

Q. UPPER-MIDDLE INCOME HOUSEHOLD. A Household whose income is between one hundred sixty percent (160%) and two hundred percent (200%) of the Area Median Income, adjusted for household size. (Ord. 5380, 2005; Ord. 5310, 2004.)

28.43.030 Inclusionary Requirements.

A. GENERAL REQUIREMENTS.

1. Developments of Ten (10) or More Units. For all Residential Developments of ten (10) or more dwelling units, at least fifteen percent (15%) of the total units must be constructed and offered for sale as Inclusionary Units restricted for owner-occupancy by Middle Income Households or, in the case of Residential Lot Subdivisions for the construction of single family homes, by Upper-Middle Income Households as specified herein.

2. Developments of Less Than Ten (10) Units But More Than One Unit – Payment of an In-Lieu Fee. For all Residential Developments of less than ten units and more than one unit, the Applicant shall, at the Applicant's election, either provide at least one unit as an owner-occupied Middle Income restricted Unit, or pay to the City an in-lieu fee equal to five percent (5%) of the in-lieu fee specified by Section 28.43.070B herein, multiplied by the total number of dwelling units of the Residential Development; provided, however, that for those Residential Developments which are not a condominium conversion project (as defined by SBMC Chapter 28.88) and which propose to construct two (2) to four (4) dwelling units, the required in-lieu fee shall equal five percent (5%) of the in-lieu fee specified by Section 28.43.070B herein multiplied by the number of units in the Residential Development which exceed one dwelling unit.

B. RESIDENTIAL LOT SUBDIVISIONS.

1. Subdivisions of Ten or More Parcels. For all Residential Lot Subdivisions where the lots to be approved would permit the eventual development of ten (10) or more Dwelling Units, the Applicant shall pay an in lieu fee corresponding to fifteen percent (15%) of the number of Dwelling Units that might eventually be built on the lots, or the Applicant may propose an alternative means of compliance with this Chapter pursuant to Section 28.43.080 below.

2. Subdivisions of Less Than Ten Parcels. For all Residential Lot Subdivisions where the real property parcels to be approved would result in the eventual development of less than ten (10) Dwelling Units but more than one (1) Dwelling Unit, the Applicant shall, at the Applicant's election, either provide that one Dwelling Unit will be constructed as an owner-occupied Middle Income Household restricted Unit, or pay an in-lieu fee corresponding to five percent (5%) of the in-lieu fee specified by Section 28.43.070B multiplied by the number of Dwelling Units that might eventually be built as part of the subdivision. At the option of the Applicant, the Applicant may propose an alternative means of compliance with this Chapter pursuant to Section 28.43.080 below.

C. EXISTING DWELLING UNITS. Existing Ownership Units that are to be retained shall be included in the number of units in the Residential Development for purposes of calculating the number of Inclusionary Units required under this Section; however, the number of such existing units to be included in the calculation shall not exceed the number of proposed new Ownership Units to be added.

D. DENSITY BONUS UNITS. Any additional owner-occupied units authorized and approved as a density bonus under the City's Affordable Housing Policies and Procedures will not be counted in determining the required number of Inclusionary Units.

E. ROUNDING. In determining the number of Inclusionary Units required by this Section, any decimal 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.

F. PRICE LIMITS FOR INCLUSIONARY UNITS. Inclusionary Units must be restricted for sale at affordable prices as follows:

1. Except as provided in the following subsections, Inclusionary Units must be restricted to and sold at prices affordable to Middle Income Households, calculated according to procedure specified in the City's Affordable Housing Policies and Procedures [applicable as of the date of Planning Commission's approval] using a Target Income of one hundred twenty percent (120%) of the then current Area Median Income.

2. The Community Development Director may approve a Target Income of one hundred thirty percent (130%) of Area Median Income for Inclusionary Units built as duplexes, or exceptionally large condominiums, in accordance with the City's Affordable Housing Policies and Procedures.

3. Inclusionary Units built as detached single family homes, each on its own separate lot, must be restricted to and sold at prices affordable to Upper-Middle Income Households, with sale prices calculated

according to the procedure specified in the City's Affordable Housing Policies and Procedures using a Target Income of one hundred sixty percent (160%) of Area Median Income.

4. Nothing herein shall preclude an Applicant/Owner from voluntarily agreeing to restrict the Inclusionary Units for sale to very-low, low or moderate income households at the Target Incomes specified for such income categories in the City's Affordable Housing Policies and Procedures.

G. COMBINING RESIDENTIAL DEVELOPMENTS. If two proposed Residential Developments that share a common boundary are under development review by the City simultaneously, such developments will be treated under this Chapter as if they were combined for purposes of determining the number of Inclusionary Units or Inclusionary Lots required under this Chapter, provided they are proposed by the same Applicant or by joint Applicants which share a substantial legal commonality of ownership and control. Applicants which are related partnerships or corporations will be deemed to share a substantial commonality of ownership and control if more than sixty percent (60%) of the natural persons who are general partners are the same for each partnership or, in the case of corporate ownership, the applicant individual or entity controls sixty percent (60%) of more of the voting stock or shares of each corporation. (Ord. 5488, 2009; Ord. 5310, 2004.)

28.43.040 Exemptions.

A. PROJECTS EXEMPTED FROM INCLUSIONARY REQUIREMENTS. The requirements of this Chapter shall not apply to the following types of development projects:

1. Rental Units. A project constructing Dwelling Units which may not be separately owned, transferred, or conveyed under the state Subdivision Map Act.

2. Casualty Reconstruction Projects. The reconstruction of any residential units or structures which have been destroyed by fire, flood, earthquake or other act of nature, which are being reconstructed in a manner consistent with the requirements of Santa Barbara Municipal Code Section 28.87.038.

3. Voluntarily Affordable Projects. Residential Developments which propose that not less than thirty percent (30%) of the units of the development will be deed restricted for occupancy by families qualifying as Upper Middle Income (or lower income) households pursuant to and in accordance with the City's Affordable Housing Policies and Procedures. (Ord. 5488, 2009; Ord. 5310, 2004.)

28.43.050 Incentives for On-Site Housing.

A. PROVIDING UNITS ON-SITE. An Applicant for a Residential Development of ten or more dwelling units who elects to satisfy the inclusionary housing requirements of this Chapter by producing owner-occupied Inclusionary Housing units on the site of a Residential Development shall be entitled to a density bonus for the number of Inclusionary Units to be provided on-site, in accordance with the City's density bonus program for owner-occupied units as described in the City's Affordable Housing Policies and Procedures without the need for the Applicant to separately apply for a lot area modification for the density bonus.

B. USE OF ZONING ORDINANCE MODIFICATIONS. The City may provide modifications in zoning requirements that will facilitate increased density for the purpose of accomplishing the goals of this Chapter, including modifications to parking, setback, yard area, open space and solar access requirements as specified in Section 28.92.110 of this Municipal Code. (Ord. 5488, 2009; Ord. 5380, 2005; Ord. 5310, 2004.)

28.43.060 Affordable Housing Standards.

A. CONSTRUCTION STANDARDS FOR INCLUSIONARY UNITS. Inclusionary Units built under this Chapter must conform to the following standards:

1. Design. Except as otherwise provided in this Chapter, Inclusionary Units must be dispersed evenly throughout a Residential Development and must be comparable in construction quality and exterior design to the Market-Rate Units constructed as part of the Development. Inclusionary Units may be smaller in aggregate size and may have different interior finishes and features than Market-Rate Units so long as the interior features are durable, of good quality and consistent with contemporary standards for new housing.

2. Size. The average number of bedrooms in the Inclusionary Units must equal or exceed the average number of bedrooms in the Market-Rate Units of the Development. Absent a waiver from the Community Development Director, two-bedroom Inclusionary Units shall generally have at least one and one-half bathrooms, and three-bedroom Inclusionary Units shall generally have at least two bathrooms. However, the required number of bathrooms shall not be greater than the number of bathrooms in the Market-Rate Units. The minimum Unit Size of each Inclusionary Unit shall be in conformance with the City's Affordable Housing Policies and Procedures.

3. Timing of Construction. All Inclusionary Units must be constructed and occupied concurrently with or prior to the construction and occupancy of Market-Rate Units of the Development. In phased developments, Inclusionary Units may be constructed and occupied in proportion to the number of units in each phase of the Residential Development.

4. Duration of Affordability Requirement. Inclusionary Units produced under this Chapter must be legally restricted to occupancy by Households of the income levels for which the units were designated pursuant to and in conformance with the City's Affordable Housing Policies and Procedures. (Ord. 5310, 2004.)

28.43.070 In-Lieu Fees.

A. PAYMENT OF IN-LIEU FEE TO CITY. The requirements of this Chapter may also be satisfied by paying an in-lieu fee to the City for deposit into the City's Affordable Housing Inclusionary Fund as such fund is provided for in Section 28.43.130.

B. CALCULATION OF IN-LIEU FEE. The in-lieu fee for each required Inclusionary Unit that is not constructed on-site will be calculated as of the date of Planning Commission final approval in a manner sufficient to make up the monetary difference between the following: 1. the Estimated Production Cost of a two-bedroom condominium unit in the City as defined in this Section, and 2. the price of a two-bedroom dwelling unit affordable to a Low-Income Household calculated according to the procedure specified in the City's Affordable Housing Policies and Procedures for a two-bedroom unit. The target income for this calculation shall be seventy percent (70%) of Area Median Income, and the housing-cost-to-income ratio for this calculation shall be thirty percent (30%). The Estimated Production Cost shall be deemed to be the median sale price of two-bedroom condominium units in the City less a fifteen percent (15%) adjustment to reflect an Applicant/Developer's anticipated profit. The median sale price of two-bedroom condominium units in the City shall be established by the City Council, based on data provided by the Santa Barbara Association of Realtors or other source selected by the City Council, for sales during the four most recent calendar quarters prior to the calculation. The City Council may annually review the median sale price of two-bedroom condominium units in the City, and may, based on that review, adjust the in-lieu fee amount.

C. PRORATING. If the calculation for the required number of Inclusionary Units as provided in Section 28.43.030 results in a fraction of a unit, the amount of in-lieu fee for such fractional unit shall be prorated.

D. REDUCTION OF IN-LIEU FEE FOR SMALLER UNITS. For Residential Developments, the amount of the in-lieu fee shall be reduced where the average Unit Size of the Market-Rate Units is less than 1700 square feet, according to the following:

1. If the average Unit Size of the Market-Rate Units is between 1,400 and 1,699 square feet, the in-lieu fee shall be reduced by fifteen percent (15%).

2. If the average Unit Size of the Market-Rate Units is between 1,100 and 1,399 square feet, the in-lieu fee shall be reduced by twenty percent (20%).

3. If the average Unit Size of the Market-Rate Units is between 800 and 1,099 square feet, the in-lieu fee shall be reduced by twenty-five percent (25%).

4. If the average Unit Size of the Market-Rate Units is below 800 square feet, the in-lieu fee shall be reduced by thirty percent (30%).

E. TIMING OF PAYMENT OF IN-LIEU FEE. The timing of payment of the in-lieu fee varies according to the type of development and the number of units to be developed, as follows:

1. New Construction of Five or More Units. For new construction of five or more dwelling units, the in-lieu fee shall be paid prior to the issuance of a building permit for the Development; for phased-construction developments, payment of the applicable in-lieu fees shall be made for each portion of the Development prior to the issuance of a building permit for that phase of the Development. In the event that the Applicant/Developer intends to pay the in-lieu fee from proceeds of a bank construction loan, and such bank requires the issuance of a building permit prior to funding the construction loan, the Applicant/Developer may request that the Community Development Director issue the building permit prior to payment of the fee. The Community Development Director may approve such request provided the Applicant/Developer agrees in writing that the fee will be paid within ten (10) days after the issuance of the building permit, and further agrees that the building permit will be deemed revoked by the City and work undertaken pursuant to the building permit stopped if the in-lieu fee is not paid within such ten-day period.

2. Condominium Conversions. For condominium conversions, payment of the in-lieu fee shall be made prior to recordation of the Final Subdivision Map.

3. Residential Lot Subdivisions. For Residential Lot Subdivisions, payment of the in-lieu fee shall be made prior to recordation of the Final Subdivision Map.

4. Residential Developments of Four Units or Less. For Residential Developments of four units or less which are subject to this Chapter and which elect to pay an in-lieu fee under the requirements of this Chapter, the in-lieu fees shall be paid to the City prior to the issuance of a Certificate of Occupancy by the Chief Building Official of the City.

F. DELAYED PAYMENT. When payment is delayed, in the event of default, or for any other reason, the amount of the in-lieu fee payable under this Section will be based upon the greater of the fee schedule in effect at the time the fee is paid or the fee schedule in effect at the time of Planning Commission approval. (Ord. 5488, 2009; Ord. 5310, 2004.)

28.43.080 Alternative Methods of Compliance.

A. ALTERNATIVE METHODS OF COMPLIANCE - APPLICANT PROPOSALS. An Applicant, at the Applicant's option, may propose an alternative means of compliance with this Chapter by submitting to the City an Inclusionary Housing Plan prepared in accordance with the following alternative compliance provisions:

1. Off-Site Construction. All or some of the required Inclusionary Units may be constructed off-site if the Planning Commission (or the City Council on appeal) finds that the combination of location, unit size, unit type, pricing, and timing of availability of the proposed off-site Inclusionary Units would provide equivalent or greater benefit than would result from providing those Inclusionary Units on-site as might otherwise be required by this Chapter. Prior to the recordation of the Final Subdivision Map for the Residential Development subject to the inclusionary requirements of this Chapter, the Applicant shall post a bond, bank letter of credit, or other security acceptable to the Community Development Director, in the

amount of the in-lieu fee per Section 28.43.070, which the City may call and may deposit in the Affordable Housing Inclusionary Fund and may spend in accordance with the terms of that Fund in the event that the off-site inclusionary units are not completed (as evidenced by the issuance of a certificate of occupancy for such units) according to the schedule stated in the Inclusionary Housing Plan submitted by the Applicant and prior to the completion and occupancy of the Residential Development.

2. Dedication of Land For Affordable Housing Purposes. In lieu of building Inclusionary Units on or off-site or the payment of in-lieu fees, an Applicant may choose to dedicate land to the City [or a City-designated non-profit housing developer] under circumstances where the land is suitable for the construction of Inclusionary Units and under circumstances which the Planning Commission (or the City Council on appeal) reasonably has determined to be of equivalent or greater value than would be produced by applying the City's current in-lieu fee to the Applicant's inclusionary housing obligation.

3. Combination of Approaches. The Planning Commission (or the City Council on appeal) may accept any combination of on-site construction, off-site construction, in-lieu fees and land dedication which, in the Planning Commission's or City Council's determination, would provide equivalent or greater benefit than that which might result from providing Inclusionary Units on-site.

B. DISCRETION OF PLANNING COMMISSION OR CITY COUNCIL. The Planning Commission (or the City Council on appeal) may approve, conditionally approve or reject any alternative proposed by an Applicant as part of an Affordable Housing Plan. Any approval or conditional approval must be based on a finding that the purposes of this Chapter would be better served by implementation of the proposed alternative. In determining whether the purposes of this Chapter would be better served under the proposed alternative, the Planning Commission (or the City Council on appeal) should consider the extent to which other factors affect the feasibility of prompt construction of the Inclusionary Housing Units, such as site design, zoning, infrastructure, clear title, grading and environmental review. (Ord. 5310, 2004.)

28.43.090 Inclusionary Housing Plan Processing.

A. GENERALLY. The submittal of an Inclusionary Housing Plan and recordation of an approved City affordability control covenant shall be a pre-condition on the City approval of any Final Subdivision Map, and no building permit shall be issued for any Development to which this Chapter applies without full compliance with the provision of this Section. This Section shall not apply to exempt projects or to projects where the requirements of the Chapter are satisfied by payment of an in-lieu fee under Section 28.43.070.

B. INCLUSIONARY HOUSING PLAN. Every residential development to which this Chapter applies shall include an Inclusionary Housing Plan as part of the application submittal for either development plan approval or subdivision approval. No application for a tentative map, subdivision map, or building permit for a development to which this Chapter applies may be deemed complete until an Inclusionary Housing Plan is submitted to and approved by the Community Development Director as being complete. At any time during the formal development review process, the Community Development Director may require from the Applicant additional information reasonably necessary to clarify and supplement the application or determine the consistency of the Project's proposed Inclusionary Housing Plan with the requirements of this Chapter.

C. REQUIRED PLAN ELEMENTS. An Inclusionary Housing Plan must include the following elements or submittal requirements:

1. The number, location, structure (attached, semi-attached, or detached), and size of the proposed Market-Rate and Inclusionary Units and the basis for calculating the number of Inclusionary Units;

2. A floor or site plan depicting the location of the Inclusionary Units and the Market-Rate Units;

3. The income levels to which each Inclusionary Unit will be made affordable;

4. The methods to be used to advertise the availability of the Inclusionary Units and select the eligible purchasers, including preference to be given, if any, to applicants who live or work in the City in conformance with the City's Affordable Housing Policies and Procedures;

5. For phased Development, a phasing plan that provides for the timely development of the number of Inclusionary Units proportionate to each proposed phase of development as required by Section 28.43.060.A.3 of this Chapter;

6. A description of any modifications as listed in Section 28.92.110 that are requested of the City;

7. Any alternative means designated in Section 28.43.080.A proposed for the Development along with information necessary to support the findings required by Section 28.43.080.B for approval of such alternatives; and

8. Any other information reasonably requested by the Community Development Director to assist with evaluation of the Plan under the standards of this Chapter.

D. AFFORDABILITY CONTROL COVENANTS. Prior to issuance of a grading permit or building permit, whichever is requested first, a standard City affordability control covenant must be approved and executed by the Community Development Director, executed by the Applicant/Owners, and recorded against the title of each Inclusionary Unit. If subdivision into individual property parcels has not been finalized at the time of issuance of a grading permit or building permit, an overall interim affordability control covenant shall be recorded against the Residential Development, and shall be replaced by separate recorded affordability control covenants for each unit prior to issuance of a Certificate of Occupancy by the City for such units. (Ord. 5310, 2004.)

28.43.100 Eligibility for Inclusionary Units.

A. GENERAL ELIGIBILITY FOR INCLUSIONARY UNITS. No Household may purchase or occupy an Inclusionary Unit unless the City has approved the Household's eligibility, and the Household and City have executed and recorded an affordability control covenant in the chain of title of the Inclusionary Unit. Such affordability control covenant is in addition to the covenant required in Section 28.43.090 above. The eligibility of the purchasing household shall be established in accordance with the City's Affordable Housing Policies and Procedures and any additional eligibility requirements agreed upon in writing by the Applicant and the City.

B. OWNER OCCUPANCY. A Household which purchases an Inclusionary Unit must occupy that unit as a principal residence, as that term is defined for federal tax purposes by the United States Internal Revenue Code. (Ord. 5310, 2004.)

28.43.110 Owner-Occupied Units; Sales Price; Long-Term Restriction.

A. INITIAL SALES PRICE. The initial sales price of an Inclusionary Unit must be set in accordance with the City's Affordable Housing Policies and Procedures, using the Target Income requirements specified in this Chapter.

B. TRANSFERS AND CONVEYANCES. A renewal of the affordability controls covenant will be entered into upon each change of ownership of an Inclusionary Unit and upon any transfer or conveyance (whether voluntarily or by operation of law) of an owner-occupied Inclusionary Unit as such covenants are required in accordance with the City's Affordable Housing Policies and Procedures.

C. RESALE PRICE. The maximum sales price and qualifications of purchasers permitted on resale of an Inclusionary Unit shall be specified in the affordability control covenant and shall be in conformance with the City's then approved and applicable Affordable Housing Policies and Procedures. (Ord. 5310, 2004.)

28.43.120 Adjustments and Waivers.

A. ADJUSTMENTS AND WAIVERS. The requirements of this Chapter may be adjusted to propose an alternative method of compliance with this Chapter in accordance with Section 28.43.080 or waived (in whole or in part) by the City if the Applicant demonstrates to the Planning Commission (or the City Council on appeal) that applying the requirement of this Chapter would be contrary to the requirements of the laws of the United States or California or the Constitutions thereof.

B. TIMING OF WAIVER REQUEST. To receive an adjustment or waiver, the Applicant must make an initial request of the Planning Commission for such an adjustment or waiver and an appropriate demonstration of the appropriateness of the adjustment or waiver when first applying to the Planning Commission for the review and approval of the proposed Residential Development development plan or subdivision review as such review and approval is required by either Title 28 or Title 27 of the Santa Barbara Municipal Code.

C. WAIVER AND ADJUSTMENT CONSIDERATIONS. In making a determination on an application to adjust or waive the requirements of this Chapter, the Planning Commission (or the City Council on appeal) may assume each of the following when applicable: (i) that the Applicant is subject to the inclusionary housing requirement or in-lieu fee; (ii) the extent to which the Applicant will benefit from inclusionary incentives under Section 28.43.050; and (iii) that the Applicant will be obligated to provide the most economical Inclusionary Units feasible in terms of construction, design, location and tenure.

D. WRITTEN DECISION. The Planning Commission (or the City Council on appeal) will determine the application and issue written findings and a decision within sixty (60) days of the public hearing on the Adjustment/Waiver Request.

E. APPEAL TO THE CITY COUNCIL. Upon a decision by the Planning Commission on the proposed overall residential development plan, any action taken by the Commission made pursuant to a request for an adjustment for an alternative method of compliance under Section 28.43.080, or for a waiver pursuant to this Section, may be appealed to the City Council in accordance with the appeal procedures of Santa Barbara Municipal Code Section 1.30.050. (Ord. 5310, 2004.)

28.43.130 Affordable Housing Inclusionary Fund.

A. INCLUSIONARY FUND. There is hereby established a separate City Affordable Housing Inclusionary Fund ("Fund") maintained by the City Finance Director. This Fund shall receive all fees contributed under Sections 28.43.070 and 28.43.080 and may, at the discretion of the City Administrator, also receive monies from other sources.

B. PURPOSE AND LIMITATIONS. Monies deposited in the Fund must be used to increase and improve the supply of housing affordable to Upper-Middle, Middle, Moderate-, Low-, and Very Low-Income Households in the City and to ensure compliance of such Households with the City's Affordable Housing Policies and Procedures. Monies may also be used to cover reasonable administrative or related expenses associated with the administration of this Section, including, but not limited to, the City's purchase and resale of affordable housing units that are in default of the affordable control covenant recorded against that property, provided that the City shall, at all times, comply with the applicable provisions and requirements of the state Mitigation Fee Act, Govt. Code Sections 66000 - 66025.

C. ADMINISTRATION. The Fund shall be administered by the Community Development Director, who may develop procedures to implement the purposes of the Fund consistent with the requirements of this Chapter and any adopted budget of the City.

D. EXPENDITURES. Fund monies shall be used in accordance with the City's Housing Element, Redevelopment Plan, the City's Affordable Housing Policies and Procedures, or subsequent plan adopted by the City Council to construct, rehabilitate or subsidize affordable housing or assist other governmental

entities, private organizations or individuals to do so. Permissible uses include, but are not limited to, assistance to housing development corporations, equity participation loans, grants, pre-home ownership co-investment, pre-development loan funds, participation leases or other public-private partnership arrangements. The Fund may be used for the benefit of both rental and owner-occupied housing in accordance with the applicable requirements of the state Mitigation Fee Act, Govt. Code Sections 66000 - 66025.

E. COMMUNITY DEVELOPMENT DIRECTOR'S ANNUAL REPORT. The Community Development Director, with the assistance of the City Finance Director, shall report annually to the City Council on the status of activities undertaken with the Fund. The report shall include a statement of income, expenses, disbursements and other uses of the Fund. The report should also state the number and type of Inclusionary Units constructed during that year. (Ord. 5488, 2009; Ord. 5310, 2004.)

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