Santa Barbara
New Zoning Ordinance

Introduction Draft for City Council

June 2017

NZO
New Zoning Ordinance

EXHIBIT A

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Division I: Introductory Provisions

Chapter 30.01 Introductory Provisions

Sections:

30.01.010 Title and Authority
30.01.020 Purpose
30.01.030 Structure of Zoning Ordinance
30.01.040 Applicability
30.01.050 Severability
30.01.060 Fees

30.01.010 Title and Authority

Title 28 of the Santa Barbara Municipal Code shall be known and cited as "The Zoning Ordinance", "Santa Barbara Zoning Ordinance," "Zoning Ordinance of the City of Santa Barbara," or "Zoning Ordinance."

The Santa Barbara Zoning Ordinance is adopted pursuant to the authority contained in Section 65850 of the California Government Code.

30.01.020 Purpose

The purpose of the Zoning Ordinance is to implement the City's General Plan and to serve the public health, safety, comfort, convenience, and general welfare; provide the economic and social advantages resulting from an orderly planned use of land resources; and to encourage, guide, and provide a definite plan for the future growth and development of the City. More specifically, the Zoning Ordinance is adopted to achieve the following objectives:

A. To provide a guide for the physical development of the City in a manner as to achieve the arrangement of land uses depicted in the Santa Barbara General Plan, consistent with the goals and policies of the General Plan.

B. To foster a harmonious, convenient and workable relationship among land uses and ensure compatible infill development, consistent with the General Plan.

C. To support economic development.

D. To allow for development of housing to meet the needs of all segments of the community.

E. To encourage the preservation of buildings of architectural or historical significance, consistent with the General Plan.

F. To promote the stability of existing land uses consistent with the General Plan, protecting them from inharmonious influences and harmful intrusions.

G. To foster the provision of adequate off-street parking and off-street loading facilities, bicycle facilities and pedestrian amenities, and support a multi-modal transportation system.

H. To facilitate the appropriate location of community facilities, institutions and parks and recreational areas.

I. To safeguard and enhance the appearance of the City.

J. To define duties and powers of administrative bodies and officers responsible for implementation of the Zoning Ordinance.

30.01.030 Structure of Zoning Ordinance

A. **Organization of Regulations.** The Zoning Ordinance consists of five divisions:

1. Division I: Introductory Provisions
2. Division II: Zone Regulations
   a. Part 1: Base Zones
   b. Part 2: Overlay Zones
   c. Part 3: Specific Plan Zones
3. Division III: Citywide Regulations
4. Division IV: Administration and Permits
5. Division V: General Terms

B. **Types of Regulations.** Four types of zoning regulations control the use and development of property:

1. ***Land Use Regulations.*** These regulations specify land uses permitted, conditionally permitted or specifically prohibited in each zone, and include special requirements, if any, applicable to specific uses. Land use regulations for base zones, overlay zones, and specific plan zones are in Division II of the Zoning Ordinance. Certain regulations, applicable citywide, and performance standards which govern special uses, are in Division III.

2. ***Development Regulations.*** These regulations control the height, bulk, and location of structures on development sites. Development regulations for base zones, overlay zones, and specific plan zones are in Division II of the Zoning Ordinance. Certain development regulations, applicable citywide are in Division III.

3. ***Administrative Regulations.*** These regulations contain detailed procedures for the administration of the Zoning Ordinance, and include common procedures, processes and standards for discretionary entitlement applications and other permits. Administrative regulations are in Division IV.

4. ***General Terms and Use Classifications.*** Division V provides a list of use classifications and a list of terms and definitions used in the Zoning Ordinance.

30.01.040 Applicability

A. **General Rules for Applicability of Zoning Regulations.**

1. ***Applicability to Property.*** The Zoning Ordinance shall apply, to the extent permitted by law, to all property within the corporate limits of the City of Santa Barbara and to property for which applications for annexation and/or subdivisions have been submitted to the City of Santa Barbara, including all uses, structures and land owned by any private person, firm, corporation or organization, or the City of Santa Barbara or other local, State or federal agencies. Any governmental agency shall be exempt from the provisions of the Zoning Ordinance only to the extent that such property may not be lawfully regulated by the City of Santa Barbara.

2. ***Compliance with Regulations.*** No land shall be used, and no structure shall be constructed, occupied, enlarged, altered, demolished or moved in any zone, except in accordance with the provisions of the Zoning Ordinance.

a. No structure shall be erected, moved, altered, added to or enlarged, nor shall any land, building, structure or premises be used, designed, or intended to be used, for any purpose or in any manner other than is permitted in the zones in which such land, building, structure or premises are located.

b. No structure shall be erected, moved, reconstructed or structurally altered to exceed in height the limit established for the zone in which such structure is located.

c. No structure shall be erected nor shall any existing structure be moved, altered, enlarged or rebuilt, nor shall any required open areas be encroached upon or reduced in any manner except in conformity with the regulations provided in the Zoning Ordinance.

d. No setback, open yard, or other open space provided about any structure for the purpose of complying with these regulations shall, by reason of change in ownership or otherwise, be considered as providing a setback, open yard, or open space for any other structure.

B. **Relation to Other Regulations.** The regulations of the Zoning Ordinance and requirements or conditions imposed pursuant to the Zoning Ordinance shall not supersede any other regulations or requirements adopted or imposed by the Santa Barbara City Council, the State of California, or any federal agency that has jurisdiction by law over uses and development authorized by the Zoning Ordinance. All uses and development authorized by the Zoning Ordinance shall comply with all other such regulations and requirements. Where conflict occurs between the provisions of the Zoning Ordinance and the City Charter or any other City ordinance, chapter,

resolution, guideline or regulation, the more restrictive provisions shall control, unless otherwise specified.

1. ***Permit Streamlining Act.*** It is the intent of the Zoning Ordinance that all actions taken by the decision-making body pursuant to the Zoning Ordinance that are solely adjudicatory in nature be within a time frame consistent with the provisions of Government Code Section 65920 et. seq. (the Permit Streamlining Act). Nothing in the Zoning Ordinance shall be interpreted as imposing time limits on actions taken by the decision-making body pursuant to the Zoning Ordinance that are legislative in nature or that require both adjudicatory and legislative judgments.

2. ***Relation to Private Agreements.*** The Zoning Ordinance shall not enforce or interfere with or annul any recorded easement, covenant, or other agreement now in effect, provided that where the Zoning Ordinance imposes greater restriction than imposed by an easement, covenant, or agreement, the Zoning Ordinance shall control.

3. ***Relation to Prior Ordinances.*** The provisions of this Title shall supersede all prior Ordinances codified in Title 28 of the Santa Barbara Municipal Code and any amendments. No provision of this Title shall validate any land use or structure established, constructed or maintained in violation of prior Ordinances, unless such validation is specifically authorized by this Title and is in conformance with all other regulations.

4. ***Application During Local Emergency.*** The City Council may authorize a deviation from a provision of this Title during a local emergency declared and ratified under the Santa Barbara Municipal Code. The City Council may authorize a deviation by resolution without notice or public hearing.

~~C. **Effect on Previously Approved Projects and Projects in Progress.** Any structure for which a Project Design Approval or other discretionary land use approval has been granted, or Building Permit has been issued, may be completed and used in accordance with the plans, specifications and permits on which said approval was granted, provided construction is diligently pursued and the permits have not expired.~~

30.01.050 Severability

If any section, subsection, paragraph, sentence, clause or phrase of this Title is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Title. The Santa Barbara City Council hereby declares that it would have passed this Title and each section, subsection, sentence, clause and phrase thereof, regardless of the fact that any or one or more sections, subsections, sentences, clauses or phrases be declared invalid or unconstitutional.

30.01.060 Fees

The City Council shall establish by resolution, and may amend and revise from time to time, fees for processing the discretionary entitlement applications and other permits authorized or required by this Title. All fees shall be paid at the time an application is filed, and no processing shall commence until the fees are paid in full.

Chapter 30.05 Zones, Zoning Map, and Boundaries

Sections:

30.05.010 Zones Established
30.05.020 Official Zoning Map and Zone Boundaries

30.05.010 Zones Established

The City shall be classified into zones, the designation and regulation of which are set forth in this Title and as follows.

A. **Base, Overlay, and Specific Plan Zones.** Base, Overlay, and Specific Plan zones that apply in the City are shown in Table 30.05.010, Base, Overlay, and Specific Plan Zones. Previous zone designations are provided for reference.

TABLE 30.05.010: BASE, OVERLAY, AND SPECIFIC PLAN ZONES			
Current Zone		*Previous Zone(s)*	
Residential Zones			
RS-1A	Residential Single Unit, 1 acre minimum lot size	*A-1*	*One-Family Residence Zones*
RS-25	Residential Single Unit, 25,000 square foot minimum lot size	*A-2*	
RS-15	Residential Single Unit, 15,000 square foot minimum lot size	*E-1*	
RS-10	Residential Single Unit, 10,000 square foot minimum lot size	*E-2*	
RS-7.5	Residential Single Unit, 7,500 square foot minimum lot size	*E-3*	
RS-6	Residential Single Unit, 6,000 square foot minimum lot size	*R-1*	
R-2	Two-Unit Residential	*R-2*	*Two-Family Residence*
R-M	Residential Multi-Unit	*R-3*	*Limited Multiple-Family Residence*
R-MH	Residential Multi-Unit and Hotel	*R-4*	*Hotel-Motel-Multiple Residence*
Commercial and Office Zones			
O-R	Office Restricted	*R-O*	*Restricted Office*
O-M	Office Medical	*C-O*	*Medical Office*
C-R	Commercial Restricted	*C-P, C-1, C-L*	*Restricted Commercial*
C-G	Commercial General	*C-2*	*Commercial*
Manufacturing Zones			
M-C	Manufacturing Commercial	*C-M*	*Commercial Manufacturing*

TABLE 30.05.010: BASE, OVERLAY, AND SPECIFIC PLAN ZONES			
Current Zone		*Previous Zone(s)*	
M-I	Manufacturing Industrial	*M-1*	*Light Manufacturing*
Coastal-Oriented Zones			
CO-HR	Coastal-Oriented Hotel and Restaurant	*HRC-1*	*Hotel and Related Commerce 1*
CO-HV	Coastal-Oriented Hotel and Visitor-Serving	*HRC-2*	*Hotel and Related Commerce 2*
CO-H	Coastal-Oriented Harbor	*HC*	*Harbor Commercial*
CO-CAR	Coastal-Oriented Commercial, Arts, and Recreation	*OC*	*Ocean-Oriented Commercial*
CO-MI	Coastal-Oriented Manufacturing Industrial	*OM-1*	*Ocean-Oriented Light Manufacturing*
Park and Recreation Zone			
P-R	Park and Recreation	*PR*	*Park and Recreation Zone*
Overlay Zones			
ACS	Auto, Commercial, and Services	*P-D*	*Planned Development Zone*
CZ	Coastal Zone	*S-D-3*	*Coastal Overlay Zone*
HWMF	Hazardous Waste Management Facility	*HWMF*	*Hazardous Waste Management Facility*
PUD	Planned Unit Development	*PUD*	*Planned Unit Development Zone*
RD	Research and Development	*C-X*	*Research and Development and Administrative Office Zone*
RH	Resort Hotel	*R-H*	*Resort-Residential Hotel Zone*
SRP	San Roque Park	*S-D-1*	*S-D-1 Zone*
SH	Senior Housing	*S-H*	*Senior Housing Zone*
USS	Upper State Street Area	*S-D-2*	*S-D-2 Zone*
Specific Plan Zones			
SP1-PP	Park Plaza Specific Plan	*SP-1*	*Park Plaza Specific Plan*
SP2-CP	Cabrillo Plaza Specific Plan	*SP-2*	*Cabrillo Plaza Specific Plan*
	Rescinded	*SP-3*	*Mission Canyon Specific Plan*
SP4-RA	Rancho Arroyo Specific Plan	*SP-4*	*Rancho Arroyo Specific Plan*
SP5-WC	Westmont College Specific Plan	*SP-5*	*Westmont College Specific Plan*
SP6-AIA	Airport Industrial Area Specific Plan	*SP-6*	*Airport Industrial Area Specific Plan*
SP7-RC	Riviera Campus Specific Plan	*SP-7*	*Riviera Campus Specific Plan*
SP8-H	Hospital Specific Plan	*SP-8*	*Hospital Specific Plan*
SP9-VM	Veronica Meadows Specific Plan	*SP-9*	*Veronica Meadows Specific Plan*
SP10-LP	Los Portales Specific Plan	*SP-10*	*Los Portales Specific Plan*

30.05.020 Official Zoning Map and Zone Boundaries

The boundaries of the base, overlay, and specific plan zones established by this Title are not included in this Title but are shown on the "Sectional Zoning Map of the City of Santa Barbara" (Official Zoning Map) maintained by the City Clerk. The Official Zoning Map, together with all legends, symbols, notations, references, zoning boundaries, map symbols, and other information on the maps, are adopted by the City Council and are hereby incorporated into this Title by reference, together with any amendments previously or hereafter adopted, as though they are fully included here.

A. **Application of Pre-Annexation Zoning**. The City may apply pre-annexation zoning to unincorporated property located within the City's Sphere of Influence, consistent with the Santa Barbara General Plan. The pre-annexation zoning process shall comply with the provisions of Chapter 30.290, Zoning Upon Annexation. The zoning provisions and requirements so established shall become applicable at the same time that the annexation of such territory becomes effective.

B. **Uncertainty of Boundaries.** If an uncertainty exists as to the boundaries of any zone shown on the Official Zoning Map, the corresponding documented zoning descriptions shall govern.

1. In the case of unsubdivided property or where a zone boundary divides a lot and no dimensions are indicated, the location of such boundary shall be determined by the use of the scale appearing on the Official Zoning Map or by reference to City parceling maps if no boundary is specified by dimensions.

2. In the case of uncertainty as to interpretation of a zone boundary either documented by description or by the Official Zoning Map in the absence of a documented boundary description, the City Council shall, after recommendation of the Planning Commission, determine the location of the boundary in question.

C. **Vacation or Abandonment.**

1. Where any public street, alley, or thoroughfare is officially vacated or abandoned and the use of land therein is conveyed to the contiguous property, the zoning regulations applicable to the contiguous property shall apply to that portion of such street or alley added thereto by virtue of such vacation or abandonment.

2. Where any private right-of-way or easement of any railroad, railway, transportation or public utility company is vacated or abandoned and said property is unclassified, the zoning regulations applicable to the contiguous property shall apply to such vacated or abandoned land. If more than one zoning classification exists contiguous to the unclassified property, the Community Development Director shall apply the contiguous zoning classifications to the unclassified property as appropriate.

Chapter 30.10 Rules for Construction of Language and Interpretation

Sections:

30.10.010 Purpose
30.10.020 Rules of Interpretation
30.10.030 Rules for Construction of Language

30.10.010 Purpose

The purpose of this Chapter is to provide precision in the interpretation of the zoning regulations. The meaning and construction of words and phrases defined in this Chapter apply throughout the Zoning Ordinance, except where the context indicates a different meaning.

30.10.020 Rules of Interpretation

The City Attorney shall have the responsibility and authority to interpret the meaning and applicability of all provisions and requirements of this Title. Whenever the Community Development Director determines that the meaning or applicability of any of the requirements of this Title are subject to interpretation generally, or as applied to a specific case, the Director may request an interpretation from the City Attorney and issue an official interpretation.

A. **Minimum Requirements.** The provisions of this Title shall be regarded and applied as the minimum requirements and maximum potential limits for the promotion of public health, safety, comfort, convenience, and general welfare of the City and its residents. When this Title provides for discretion on the part of a City official or body, that discretion may be exercised to impose more stringent requirements than identified in this Title, as may be necessary to promote orderly land use development and the purposes of this Title.

30.10.030 Rules for Construction of Language

In interpreting the various provisions of the Zoning Ordinance, the following rules of construction shall apply:

A. The particular controls the general.

B. Unless the context clearly indicates the contrary, the following conjunctions shall be interpreted as follows:

1. "And" indicates that all connected words or provisions shall apply.
2. "And/or" indicates that the connected words or provisions may apply singly or in any combination.
3. "Or" indicates that the connected words or provisions may apply singly or in any combination.

4. "Either . . . or" indicates that the connected words or provisions shall apply singly but not in combination.

C. In case of conflict between the text and a diagram or graphic, the text controls.

D. All references to departments, committees, commissions, boards, or other public agencies are to those of the City of Santa Barbara, unless otherwise indicated.

E. All references to public officials are to those of the City of Santa Barbara, and include designated deputies of such officials, unless otherwise indicated.

F. All references to days are to calendar days, unless otherwise indicated. If a deadline falls on a weekend or holiday, or a day when the City offices are closed, it shall be extended to the next working day. The end of a time period shall be the close of business on the last day of the period.

G. All references to the word "structure" shall include the word "building".

H. The words "shall," "will," "must" and "is to" are always mandatory and not discretionary. The words "should" or "may" are permissive.

I. The present tense includes the past and future tenses, and the future tense includes the past.

J. The singular number includes the plural, and the plural, the singular.

K. Sections and section headings contained herein shall not be deemed to govern, limit, modify, or in any manner affect the scope, meaning, or intent of any section.

Chapter 30.15 Rules of Measurement

Sections:

30.15.010 Purpose
30.15.020 General Provisions
30.15.030 Determining Average Slope
30.15.040 Determining Area of a Watercourse
30.15.050 Fractions
30.15.060 Measuring Distances
30.15.070 Measuring Floor Area
30.15.080 Measuring Front Yards
30.15.090 Measuring Height
30.15.100 Measuring Setbacks
30.15.110 Measuring Street Frontage
30.15.120 Screening

30.15.010 Purpose

The purpose of this Chapter is to explain how various measurements referred to in this Title are to be calculated.

30.15.020 General Provisions

For all calculations, the applicant is responsible for supplying drawings illustrating the measurements that apply to a project. These drawings must be drawn to scale and of sufficient detail to allow easy verification upon inspection by the Community Development Director.

30.15.030 Determining Average Slope

The average slope of a parcel of land, or any portion thereof, is calculated using a topographic map conforming to National Mapping Standards and having a scale of not less than ~~1~~one inch equals 200 feet and a contour interval of not more than five feet ~~(5')~~, and the following formula: S = 0.00229(I)(L)/A, where:

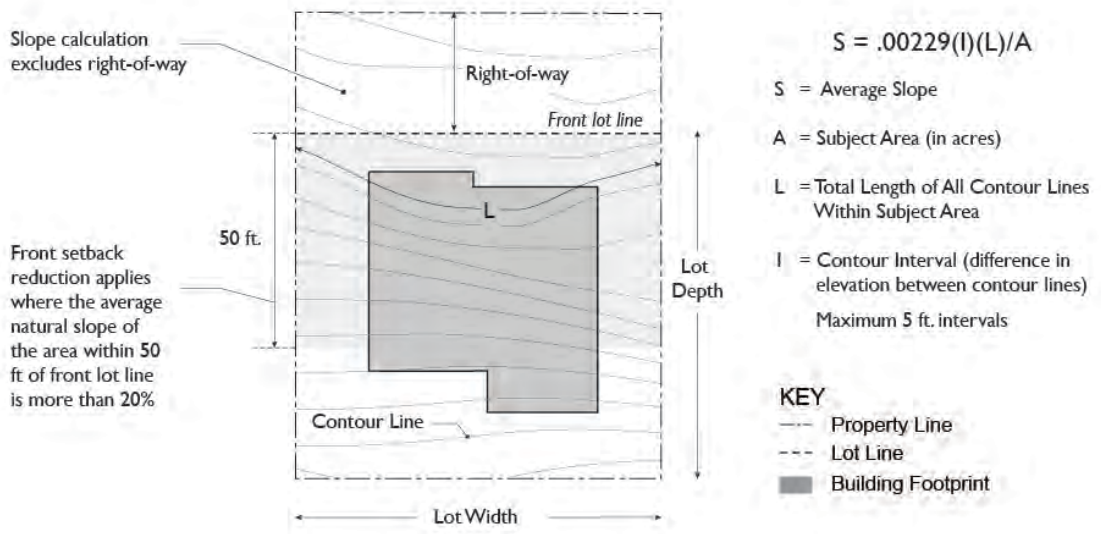
A. S = Average slope (in percent)

B. I = Contour interval (in feet)

C. L = Total length of all contour lines on the parcel (in feet), excluding the length of contours in drainage channels and in natural water courses below the 25-year flood level

D. A = Area of subject area for which the slope is to be determined (in square feet)

FIGURE 30.15.030: DETERMINING AVERAGE SLOPE



30.15.040 Determining Area of a Watercourse

The area of a watercourse includes all land within the top of either bank of any watercourse within the City of Santa Barbara.

A. Mission Creek

~~A.~~1. "Top of bank" for Mission Creek means the line formed by the intersection of the general plane of the sloping side of the watercourse with the general plane of the upper generally level ground along the watercourse; or, if the existing sloping side of the watercourse is steeper than the angle of repose (critical slope) of the soil or geologic structure involved, "top of bank" shall mean the intersection of a plane beginning at the toe of the bank and sloping at the angle of repose with the generally level ground along the watercourse. The angle of repose is assumed to be 1.5 (horizontal):1 (vertical) unless otherwise specified by a geologist or soils engineer with knowledge of the soil or geologic structure involved.

~~B.~~2. -"Toe of bank" for Mission Creek means the line formed by the intersection of the general plane of the sloping side of the watercourse with the general plane of the bed of the watercourse.

~~C.~~B. **Creeks other than Mission Creek.** "Top of bank" and "toe of bank" for creeks other than Mission Creek shall be determined by the Community Development Director on a case by case basis based upon conditions at the site, in consultation with the Parks and Recreation Department and Public Works Department.

30.15.050 Fractions

Whenever this Title requires consideration of the following: 1) required number of parking spaces; or 2) maximum number of residential units, expressed in numerical quantities, all calculations shall use fractions no smaller than hundredths, and if the end result of a calculation contains a fraction of a whole number, the results shall be rounded as follows:

A. **General Rounding.** Fractions are to be rounded down to the nearest whole number, except as otherwise provided.

B. **Exception for State Affordable Housing Density Bonus.** For projects eligible for bonus density pursuant to Government Code Section 65915 or any successor statute, and Chapter 30.145, Affordable Housing and Density Bonus and Development Incentives, any fractional number of units shall be rounded up to the next whole number.

C. **Exception for Inclusionary Housing.** In determining the number of Inclusionary Units required by Chapter 30.160, Inclusionary Housing, 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.

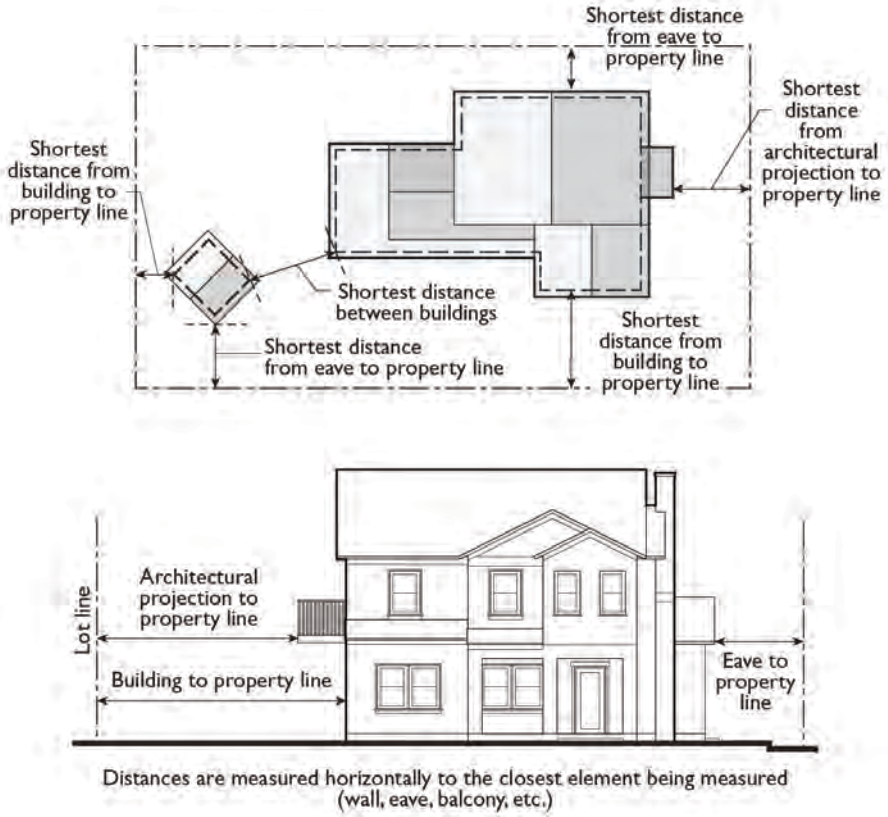
30.15.060 Measuring Distances

A. **Measurements are Shortest Distance.** When measuring a required distance, such as the minimum distance between a structure and a lot line, the measurement is made at the closest or shortest distance between the two objects.

B. **Distances are Measured Horizontally.** When determining distances for setbacks and structure dimensions, all distances are measured along a horizontal plane from the appropriate line, edge of building, structure, storage area, parking area, or other object. These distances are not measured by following the topography or slope of the land.

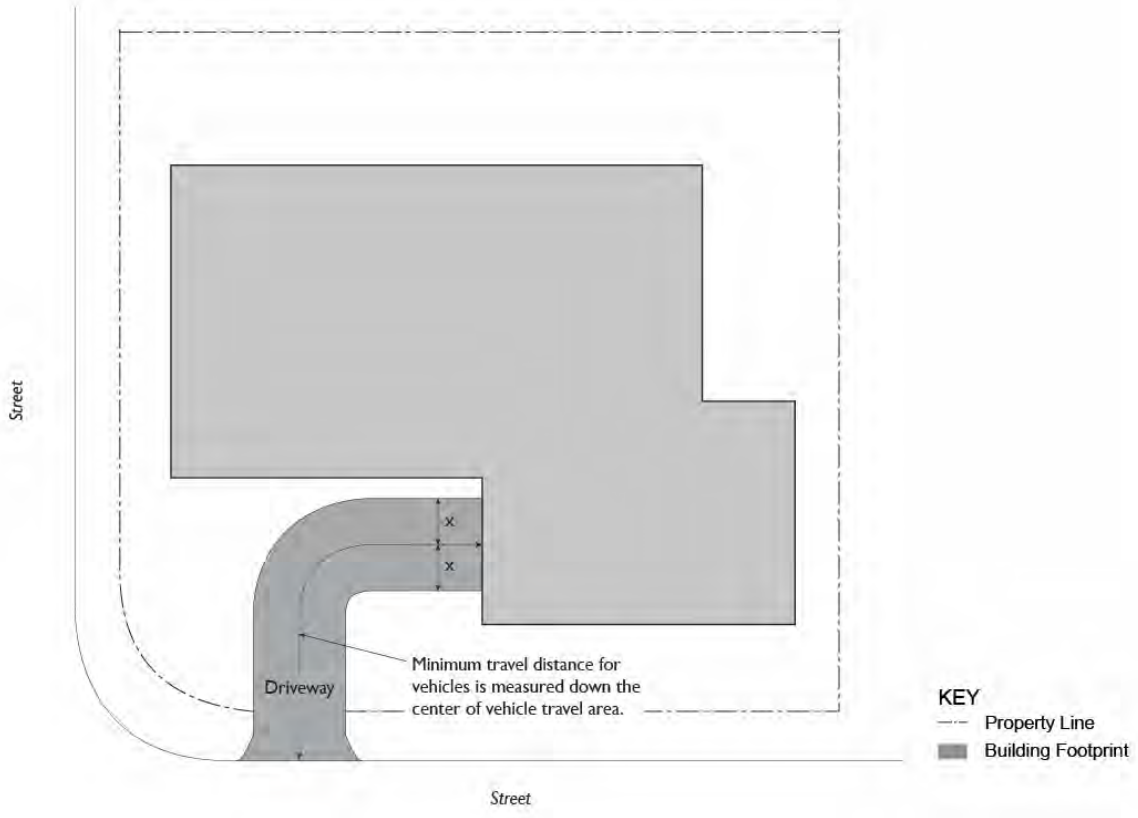
C. **Measurements Involving a Structure.** When measuring a required distance involving a structure, the measurements are made to the closest exterior wall or exterior element of the structure. Structures or portions of structures that are entirely underground are not included in measuring required distances.

FIGURE 30.15.060.~~(~~A~~)~~, ~~(~~B~~)~~, AND ~~(~~C~~)~~: MEASURING DISTANCES



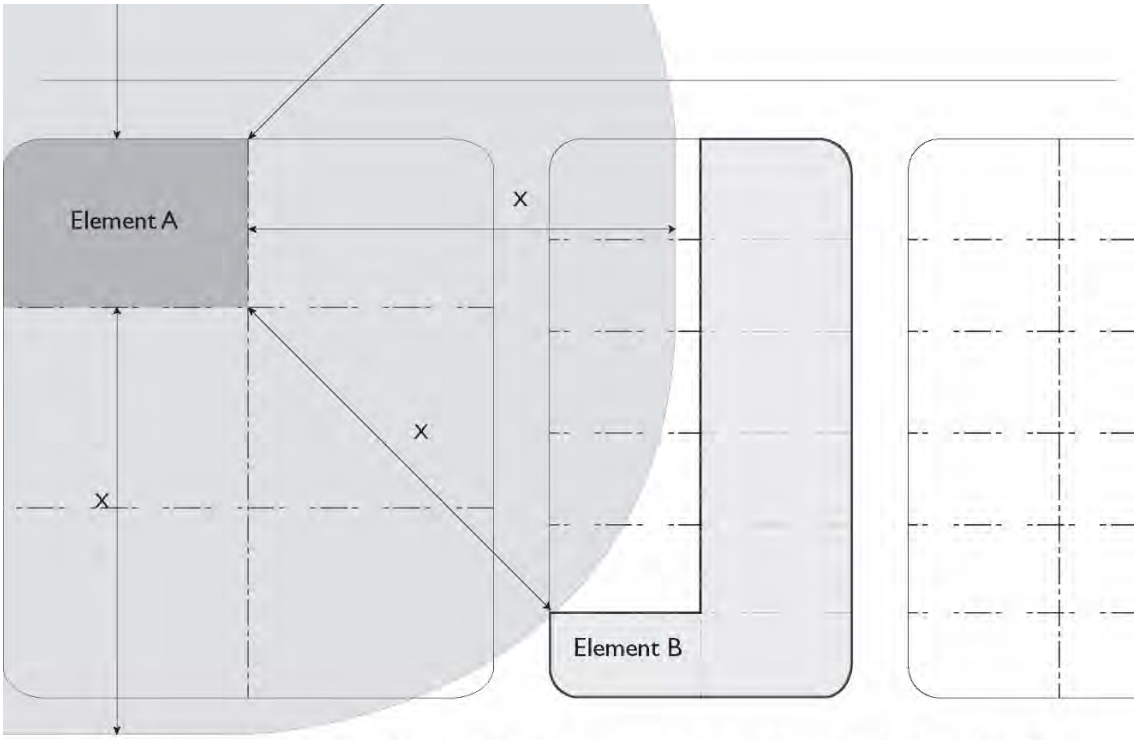
D. **Measurement of Vehicle Stacking or Travel Areas.** Measurement of a minimum travel distance for vehicles, such as vehicle backup distance, are measured down the center of the vehicle travel area. For example, curving driveways and travel lanes are measured along the center arc of the driveway or traffic lane.

FIGURE 30.15.060.(D): MEASURING TRAVEL AREAS



E. **Measuring Radius.** When a specified element is required to be located a minimum distance from another element, the minimum distance is measured in a straight line from all points along the lot line of the subject land use, in all directions.

FIGURE 30.15.060.~~(~~E~~)~~: MEASURING RADIUS



The minimum distance from one specified element to another is measured in a straight line.

X = Minimum Distance

30.15.070 Measuring Floor Area

The net floor area of a structure is the sum, in square feet, of the horizontal areas of all floors of a structure or other enclosed structure, or portions thereof, measured from either the interior perimeter of the exterior walls, or below the roofline, or the centerline of interior walls, as described below. All references to floor area in this Title are to net floor area, unless otherwise indicated. The following are included in and excluded from floor area except as otherwise provided in this Title.

A. **Included in Floor Area**

1. ***Enclosed Structures.*** Net floor area includes all space within a structure that is below the roof and within the interior perimeter of the exterior walls of any main or accessory structure.

2. ***Interior Spaces.*** Net floor area of interior spaces, such as rooms or separate tenant spaces, includes all space within the centerlines of demising walls separating such spaces or portions thereof.

3. ***Stairways and Elevator Shafts.*** In the case of a multistory structure that has covered or enclosed stairways, stairwells, or elevator shafts, the floor area of

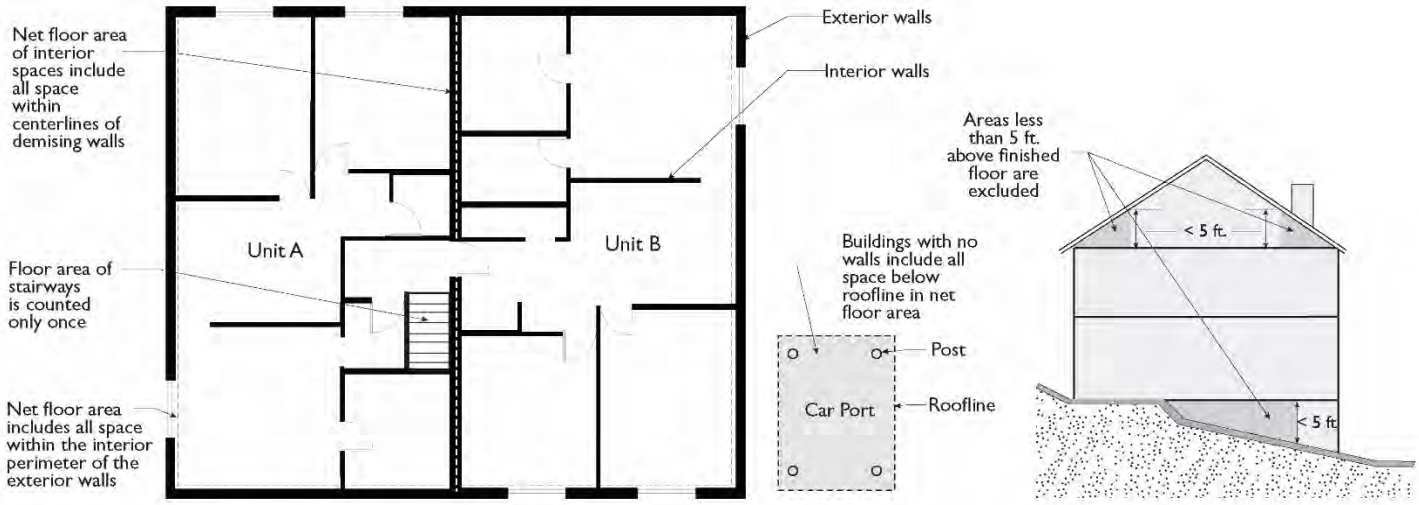
such features is counted only once at the floor level of their greatest area of horizontal extent.

4. ***Unenclosed Structures.*** The net floor area of a structure with no walls, or partial walls, such as a carport, includes all space below the roof line.

B. **Excluded from Floor Area.** The following areas are excluded from floor area:

1. Vent shafts or areas with a ceiling height of less than five feet above finished floor.
2. Attics, crawlspaces, or similar areas, where entry is made only for service of utilities, and not designed for use as storage or any other use whatsoever.
3. Unenclosed roofed areas such as patio covers, porches, trellises, gazebos, shade structures, or other similar unenclosed structures not used for the shelter, housing, or enclosure of persons, animals, or property.
4. Enclosed spaces in nonresidential or mixed-use structures that contain "infrastructure" (e.g., mechanical equipment enclosures, vent shafts, trash and recycling enclosures, air conditioners, forced air units, electric vaults, water heaters and softeners, cellular telephone equipment, and other similar uses) shall not count toward the calculation of floor area if such areas are designed in the minimum size necessary to screen or enclose such equipment, and the space cannot be converted to storage or another non-infrastructure use.
5. Nonlivable residential accessory structures that do not require a building permit for construction or installation.
6. Temporary structures permitted with a Temporary Use Permit.

FIGURE 30.15.070: MEASURING FLOOR AREA

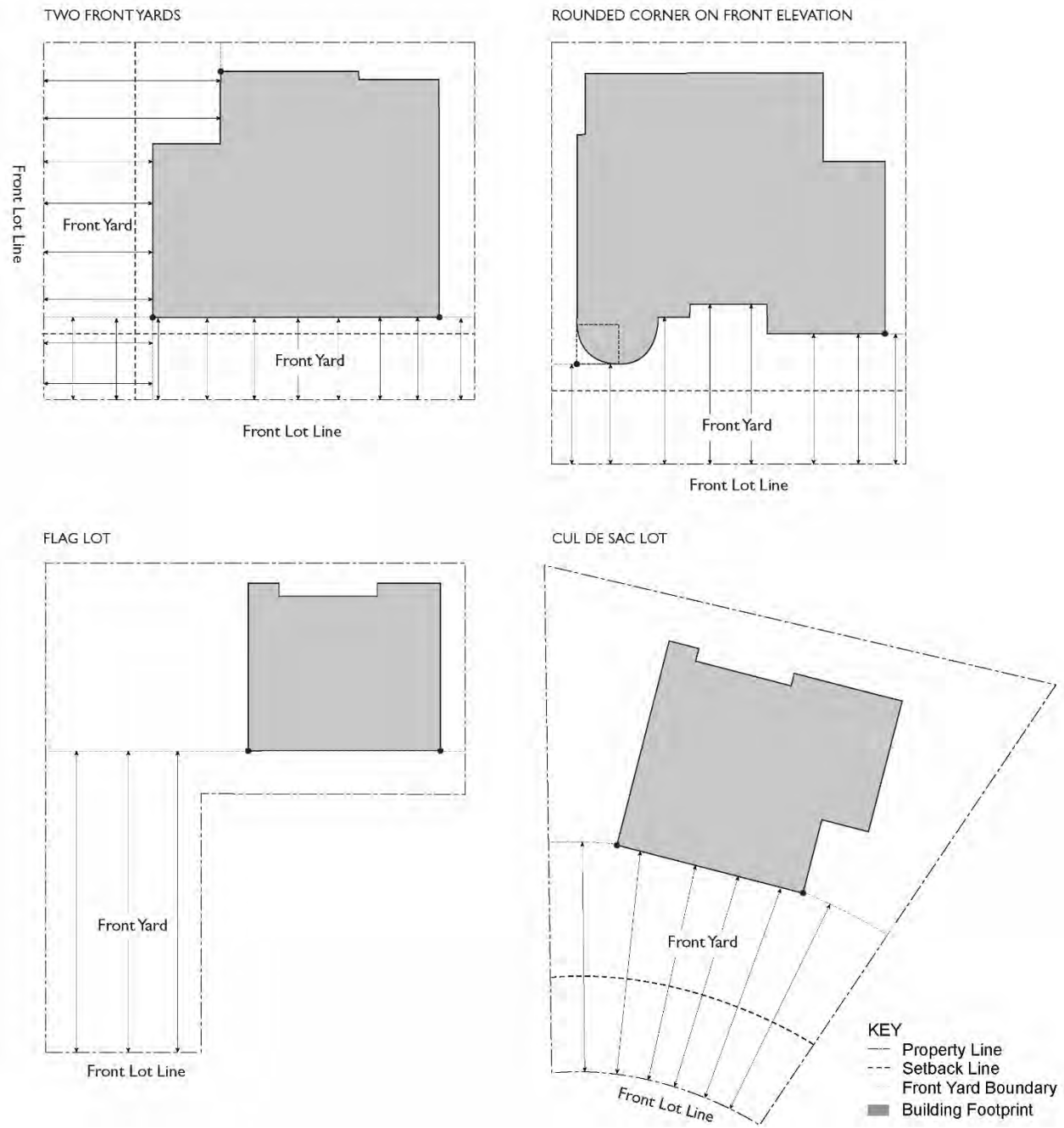


30.15.080 Measuring Front Yards

Front yards shall be measured by extending perpendicular lines from each point of a front lot line to the nearest wall of the first main building on the lot. Where there is no wall of a main building on the lot which intercepts said perpendicular lines, said yard will terminate at a point determined by extending a line parallel to the front lot line from the corner of the front elevation of the main building to the nearest lot line. The front elevation of a building is any elevation that faces a street.

A. **Rounded Corners**. If the corner of the front elevation is rounded (i.e., a tower), the corner of the elevation shall be established by drawing the smallest square or rectangle that will enclose the round element and extend the line from the corner of the superimposed square or rectangle that is closest to the front lot line.

FIGURE 30.15.080: MEASURING FRONT YARDS



30.15.090 Measuring Height

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

A. **Measuring Building Height.** Building height is measured from every point on top of the building roof or roof parapet to a warped plane directly below connecting all points where existing or finished grade, whichever is lower, contacts the exterior building walls or foundation system.

1. ***Exception:*** The vertical portion of exterior doors, stairway landings, or light wells on a basement elevation are excluded from the height calculation if the cumulative total width does not exceed 12 feet per elevation.

FIGURE 30.15.090.~~(~~A~~)~~: MEASURING BUILDING HEIGHT

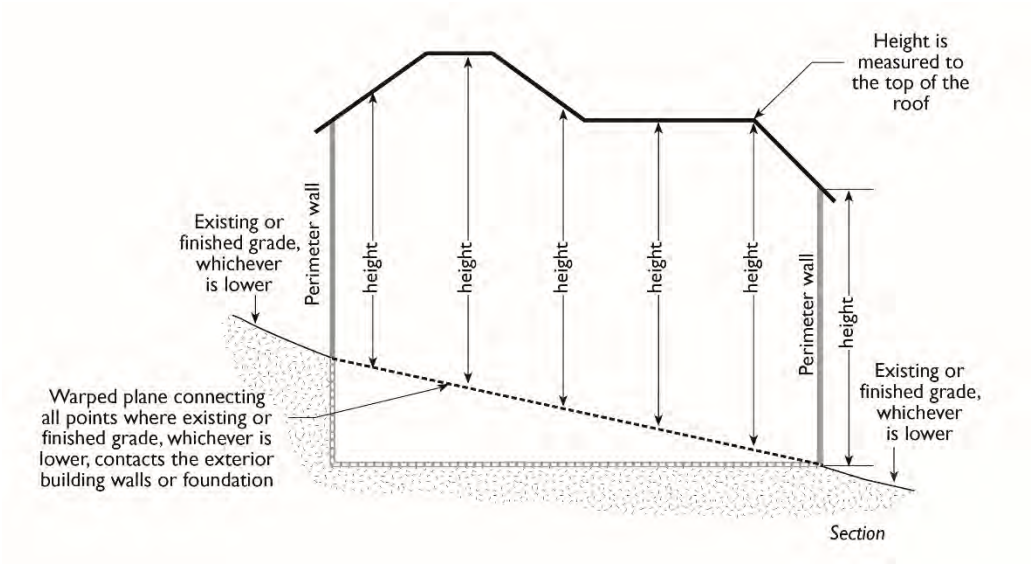
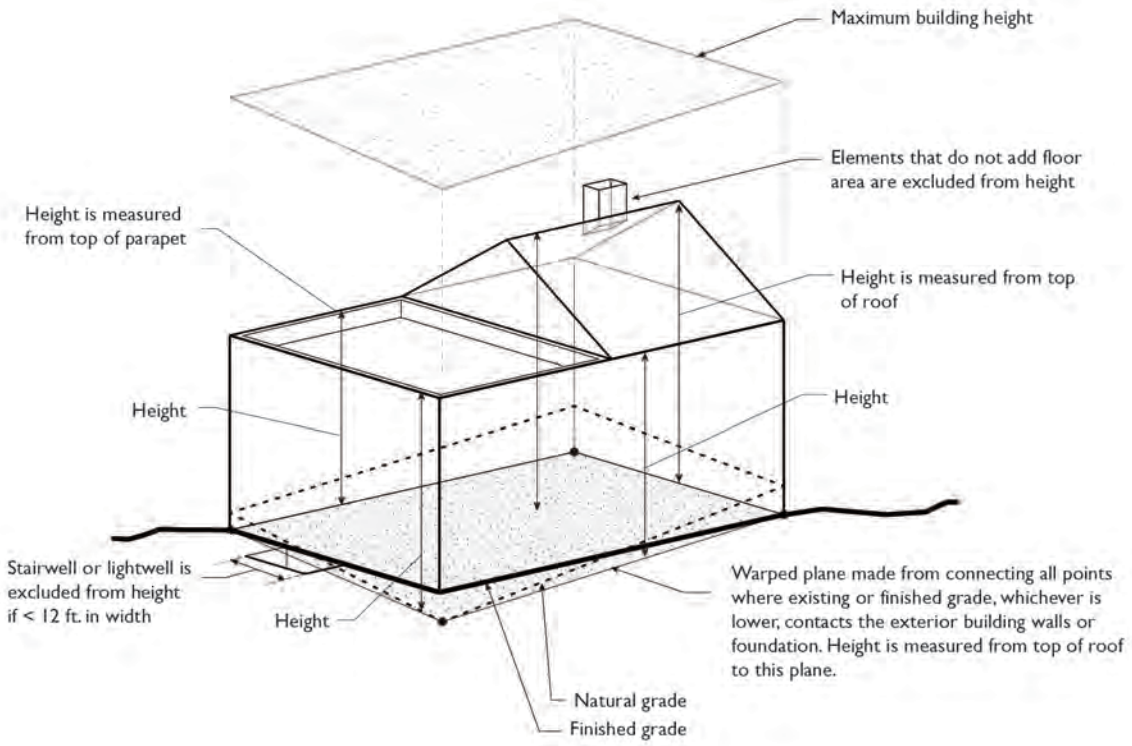


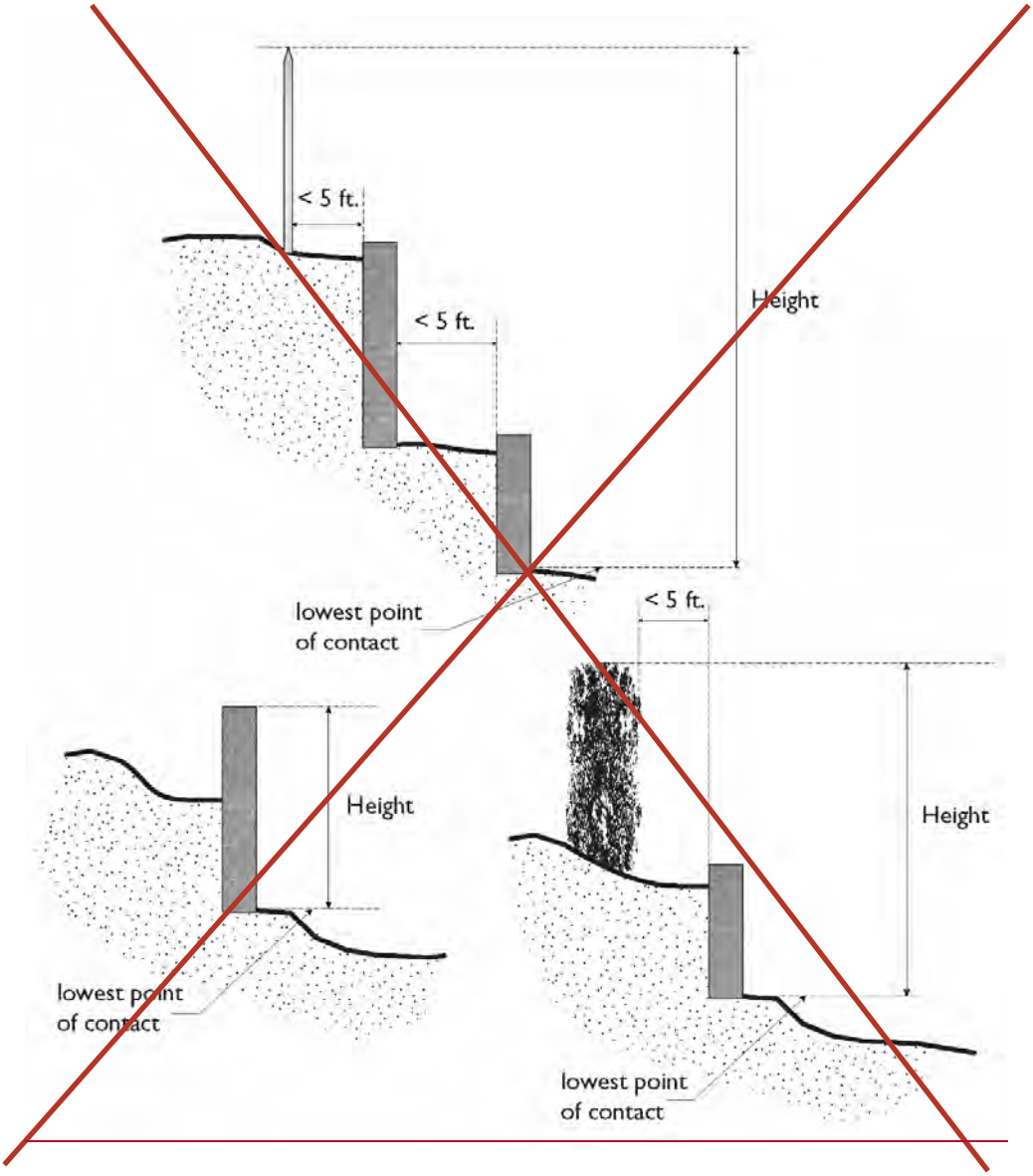
FIGURE 30.15.090.B: MEASURING BUILDING HEIGHT

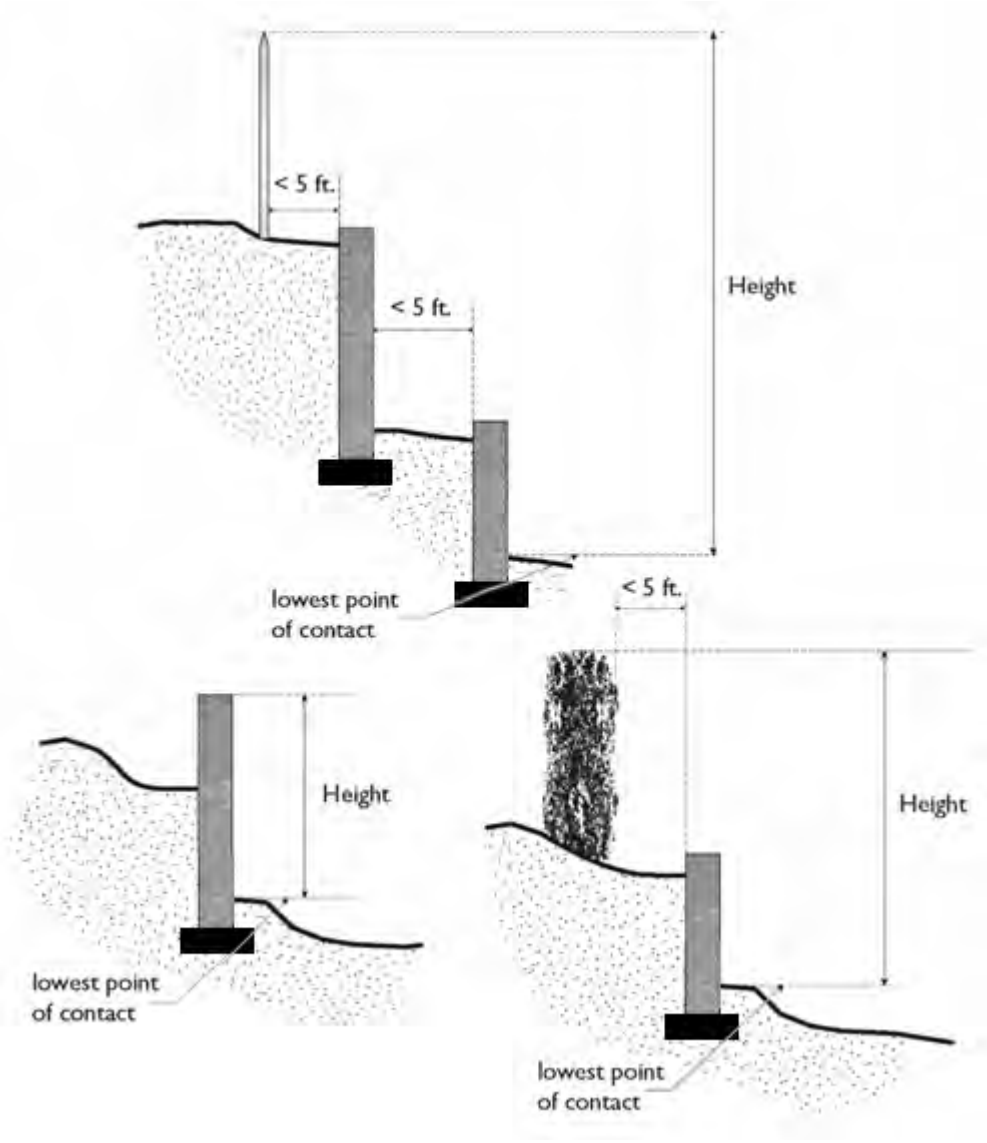


B. **Measuring the Height of Fences and Hedges.** The height of a fence or hedge is measured in a vertical line from the lowest point of contact with the ground directly adjacent to both sides of the fence or hedge to the highest point of the fence or hedge along said vertical line.

1. ***Multiple Fences and Hedges.*** All fences and hedges located within five feet of each other, including fences and hedges on adjoining lots,~~, and subject to the same height limitation,~~ shall be considered a single fence or hedge. The height of multiple fences and hedges that are subject to the same height limitation ~~Height~~ shall be measured from the lowest point of contact with the ground of a fence or hedge to the highest point of any other fence or hedge located within five feet.~~ and subject to the same height limitation.~~ The horizontal separation shall be measured from the surfaces of the fences or hedges that face each other.

FIGURE 30.15.090.C~~(B)~~: MEASURING THE HEIGHT OF FENCES AND HEDGES

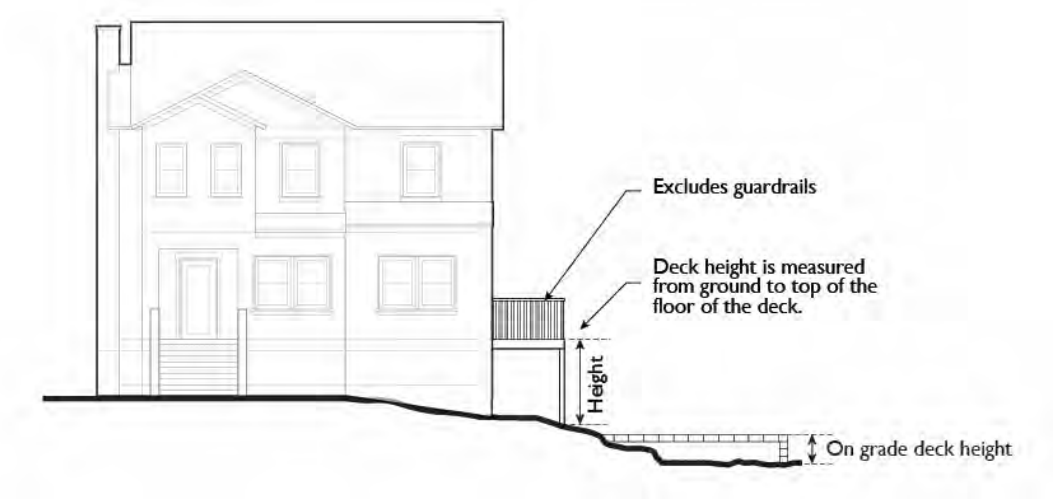

< 5 ft.
< 5 ft.
Height
lowest point
of contact
< 5 ft.
Height
Height
lowest point
of contact
lowest point
of contact



C. **Determining Prescribed Landscaping Height.** The prescribed heights of landscaping are the heights to be attained within five years after planting.

D. **Measuring the Height of Decks and Patios.** Deck and patio height is determined by measuring from the ground below to the top of the surface of the deck or patio directly above. Guardrails, the minimum height required by the Building Code, are exempt from the height measurement.

FIGURE 30.15.090.(D): MEASURING HEIGHT OF DECKS AND PATIOS



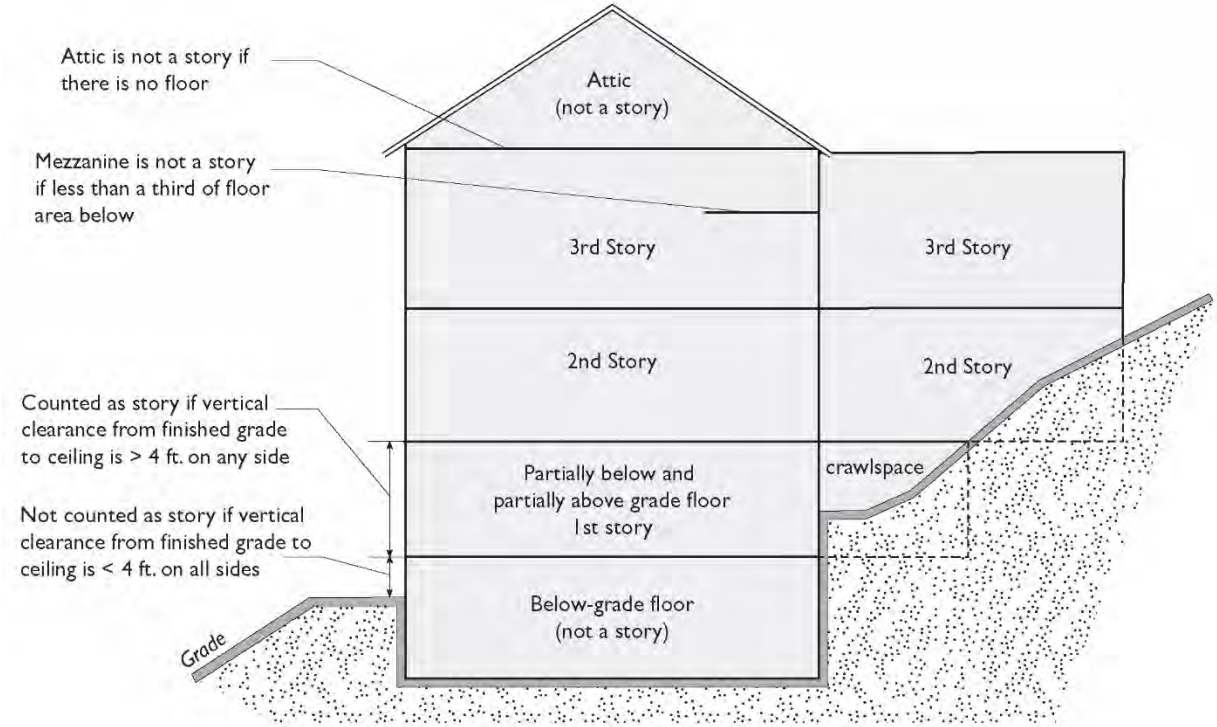
E. **Determining the Number of Stories in a Building.** In determining the number of stories in a building or structure, the following rules apply:

1. The number of stories in a building or structure shall be construed to be the maximum number of stories through which any one of an unlimited number of possible vertical lines can pass, without passing through a wall.

2. An interior balcony or mezzanine is counted as a story if its floor area exceeds one-third of the total area of the nearest full floor directly below it.

3. Any floor which is partly below and partly above grade, such as a basement, cellar, or understory, shall be counted as a story if more than a cumulative total width of 12 feet per elevation has a distance from finished grade to ceiling greater than four feet.

FIGURE 30.15.090.(E): DETERMINING THE NUMBER OF STORIES



30.15.100 Measuring Setbacks

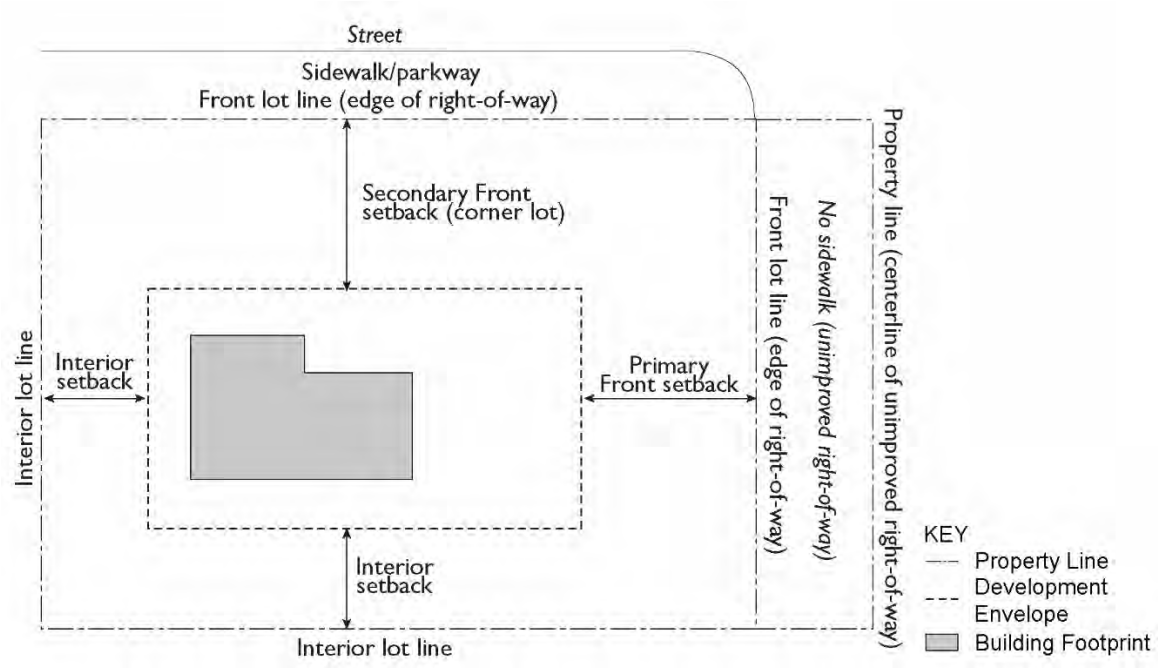
Setbacks are measured as the distance between any lot line and a line parallel to the lot line the depth of such area being the distance required by this Title.

A. **Front Setbacks.** If a portion of the property is located within a street dedication, the setback is measured from the boundary of the street dedication.

B. **Upper Story Setbacks.** Upper story setbacks shall apply to all portions of any upper story except as provided in Section 30.140.100, Encroachments into Setbacks and Open Yards.

C. **Multiple Required Setbacks**. If there are multiple required setbacks, the more restrictive applies.

FIGURE 30.15.100: MEASURING SETBACKS



30.15.110 Measuring Street Frontage

Street frontage is measured along the front lot line.

30.15.120 Screening

When required by this Title, screening shall minimize the visual impact of an object or land use to the extent appropriate, through means of placement, barrier, or camouflage. Screening shall be designed to blend into the surrounding architecture or landscape so that the object or land use is not apparent to the casual observer. Screening shall be measured as follows:

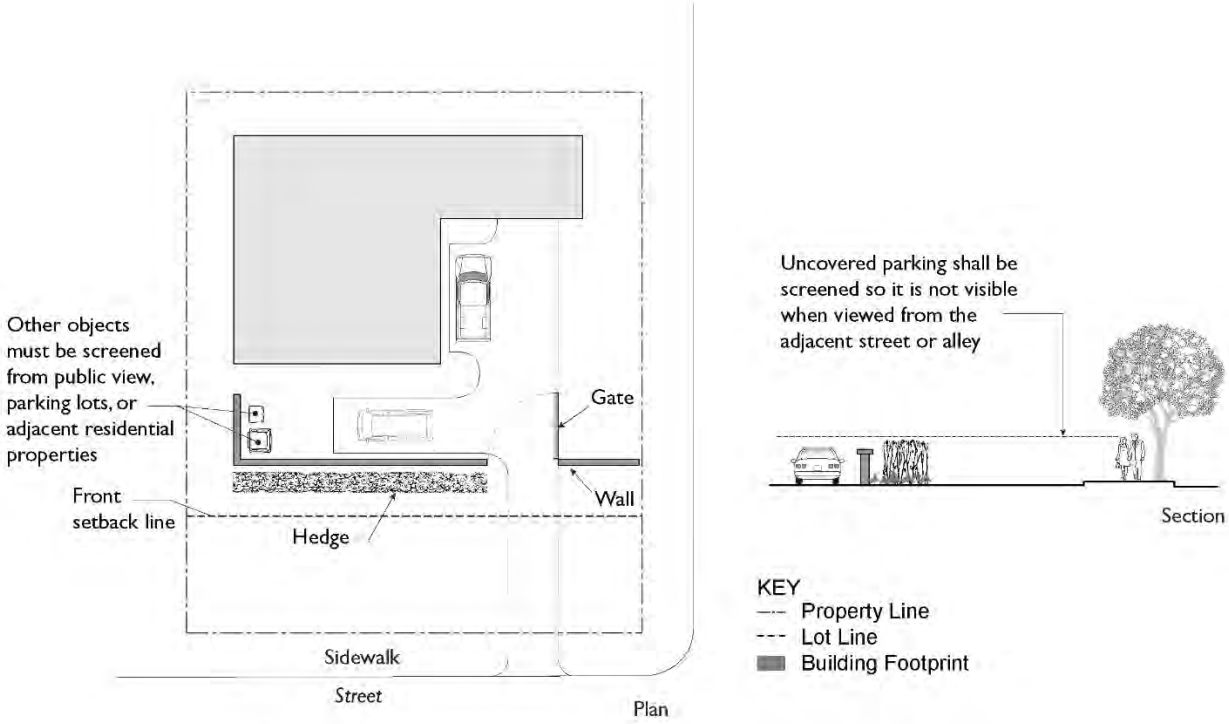
A. **Uncovered Parking.** Uncovered parking shall be screened when viewed from the adjacent street or alley.

B. **Other Objects**. Other than uncovered parking, the object or land use shall be screened from any public view, including public parking lots, or adjacent residential properties.

C. **Design Review Required.** All screening shall be reviewed and approved by the appropriate Design Review body.

D. **Exceptions.** Where an applicant can demonstrate to the satisfaction of the appropriate Design Review body that variations in the requirements of this Section are warranted in order to provide relief for existing site constraints, or to achieve a superior aesthetic or environmental design, screening may be reduced or waived by the Design Review body.

FIGURE 30.15.120: SCREENING



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Division II: Zone Regulations

Part 1: Base Zones

Chapter 30.20 Residential Zones

Sections:

30.20.010 Purpose
30.20.020 Land Use Regulations
30.20.030 Development Standards

30.20.010 Purpose

The specific purposes of the Residential Zones are to:

A. Preserve, protect, and enhance the character of the City's different residential neighborhoods.

B. Provide for a full range of housing options to suit the spectrum of individual lifestyles and space needs and ensure continued availability of the range of housing opportunities necessary to meet the needs of all segments of the community consistent with the General Plan.

C. Ensure adequate light, air, and open space for each residence, enhance livability, and develop and sustain a suitable residential environment.

D. Ensure that the scale and design of new development and alterations to existing structures are compatible with the scale, mass, and character of their neighborhoods.

E. Provide sites for public, semi–public, and neighborhood serving land uses that are appropriate in a residential environment, such as day care, schools, neighborhood markets, and community facilities that provide goods and services to support daily life within walking distance of neighborhoods and complement surrounding residential development.

F. Implement and provide appropriate regulations for General Plan classifications of Low Density Residential, Medium Density Residential, Medium High Density Residential, and High Density Residential.

Additional purposes of each Residential Zone follow.

RS Residential Single Unit. This zone is intended to provide areas for single-unit housing on individual lots at appropriate low densities of one unit per legal lot with allowances for an Accessory Dwelling Unit when certain standards are met. Designators (e.g. -25, -15) refer to minimum lot size in thousands of square feet or, in the case of RS-1A, acres. The regulations

for the RS Zone are intended to limit activities which would be inharmonious with or injurious to the preservation and character of a residential environment. Nonresidential uses are limited to those that support daily life of neighborhoods and complement surrounding residential development. Nonresidential uses are strictly limited in order to mitigate impacts associated with nonresidential uses such as: traffic, increased parking demand, light, glare, and noise.

R-2 Two-Unit Residential. This zone is intended to provide areas for medium-density residential where the principal use of land is for two-unit residences. Single-unit residence and garden apartment developments are also allowed. The regulations for this zone are intended to limit activities which would be inharmonious with or injurious to the preservation and character of a residential environment. Nonresidential uses are limited to those that support daily life of neighborhoods, complement surrounding residential development, and mitigate impacts to traffic, parking demand, light, glare, and noise.

R-M Residential Multi-Unit. This zone is intended to provide areas for a variety of multi-unit housing types. The regulations for this zone are intended to limit activities which would be inharmonious with or injurious to the preservation and character of a residential environment. Nonresidential uses are limited to those that support daily life of neighborhoods, complement surrounding residential development, and mitigate impacts to traffic, parking demand, light, glare, and noise.

R-MH Residential Multi-Unit and Hotel. This zone is intended to provide areas for a variety of multi-unit housing types. It is also the intent of this zone to allow hotels and similar establishments, including related restaurant, recreational, conference center, and other auxiliary uses primarily for use by hotel guests, while protecting the existing housing stock, and preserving the residential character of those neighborhoods that are still primarily residential. Regulations for this zone are designed to control activities of a retail nonresidential nature and those which would tend to be inharmonious with housing.

30.20.020 Land Use Regulations

Table 30.20.020, Land Use Regulations-Residential Zones, prescribes the land use regulations for Residential Zones.

Use classifications are defined in Chapter 30.295, Use Classifications. In cases where a specific land use or activity is not defined, the Community Development Director shall assign the land use or activity to a classification that is substantially similar in character. Use classifications and subclassifications not listed in the table, or not found to be substantially similar to the uses below, are prohibited.

The table also notes additional land use regulations that apply to various uses. Numbers in parentheses refer to specific limitations listed at the end of the table. Section numbers in the right-hand column refer to other sections of this Title.

TABLE 30.20.020: LAND USE REGULATIONS–RESIDENTIAL ZONES					
"A" Allowed Use *"PSP" Performance Standard Permit Required* *"CUP" Conditional Use Permit Required*			*"–" Use Not Allowed* *"(#)" Specific Limitations at the end of the table*		
Use Classification	*RS*	*R-2*	*R-M*	*R-MH*	*Additional Regulations*
Residential Uses					
Residential Housing Types					
Single-Unit Residential	A	A	A	A	§30.185.040, Accessory Dwelling Unit
Two-Unit Residential	–	A	A	A	
Multi-Unit Residential	–	A(1)	A	A	
Special Residential Unit Types					
Additional Residential Unit	PSP	–	–	–	§30.185.050, Additional Residential Unit
Caretaker Unit	–	–	A	A	§30.185.120, Caretaker Unit
Garden Apartment	–	CUP	–	–	§30.185.180, Garden Apartment Developments
Planned Residential Development	CUP	–	–	–	§30.185.330, Planned Residential Development
Community Care Facilities, Residential Care Facilities for the Elderly, and Hospices					
6 or fewer individuals	A	A	A	A	§30.185.140, Community Care Facilities, Residential Care Facilities for the Elderly, and Hospices
7 to 12 individuals	PSP	PSP	PSP	PSP	
More than 12 individuals	CUP	CUP	CUP	CUP	
Family Day Care Home					
Small	A	A	A	A	
Large	PSP	PSP	PSP	PSP	§30.185.230, Large Family Day Care Homes
Group Residential	CUP(2)	CUP	CUP	CUP	§30.185.190, Group Residential
Home Occupation	A	A	A	A	§30.185.200, Home Occupation
Live-Work Unit	Allowed subject to the highest permit level required for any individual use or component of the project.				§30.185.240, Live-Work Units
Mobilehome Park	CUP(3)	CUP(3)	CUP(3)	CUP(3)	§30.185.280, Mobilehome and Permanent Recreational Vehicle Parks
Supportive Housing	§30.185.430, Transitional and Supportive Housing				

TABLE 30.20.020: LAND USE REGULATIONS–RESIDENTIAL ZONES					
"A" Allowed Use *"PSP" Performance Standard Permit Required* *"CUP" Conditional Use Permit Required*			*"–" Use Not Allowed* *"(#)" Specific Limitations at the end of the table*		
Use Classification	*RS*	*R-2*	*R-M*	*R-MH*	*Additional Regulations*
Transitional Housing	§30.185.430, Transitional and Supportive Housing				
Public and Semi-Public Uses (4)					
Cemetery	CUP	CUP	CUP	CUP	
Community Assembly	CUP	CUP	CUP	CUP	
Community Garden	A	A	A	A	§30.185.130, Community and Market Gardens
Cultural Institution	CUP	CUP	CUP	CUP	
Day Care Center	CUP	CUP	CUP	CUP	§30.185.150, Day Care Centers
Emergency Shelter	CUP	CUP	CUP	CUP	§30.185.170, Emergency Shelter
Hospitals and Clinics	–	–	–	CUP	
Park and Recreation Facility	CUP	CUP	CUP	CUP	§30.185.350, Recreation Facilities
Public Facility	CUP	CUP	CUP	CUP	
Recreational Vehicle Park					
Recreational Vehicle and Camping Parks, Overnight	–	–	–	CUP	§30.185.320, Overnight Recreational Vehicle or Camping Parks
Recreational Vehicle Parks, Permanent	CUP(3)	CUP(3)	CUP(3)	CUP(3)	§30.185.280, Mobilehome and Permanent Recreational Vehicle Parks
Schools	CUP	CUP	CUP	CUP	
Skilled Nursing Facility	–	–	–	CUP	
Social Service Facilities	CUP(5)	CUP(5)	CUP(5)	CUP(5)	
Commercial Uses					
Agriculture	A	A	A	A	§30.185.070, Agriculture
Commercial Entertainment and Recreation					
Large-scale	CUP(6)	CUP(6)	CUP(6)	CUP(6)	§30.185.350, Recreation Facilities
Eating and Drinking Establishments	–	–	–	CUP(7)	
Hotels and Similar Uses	–	–	CUP	A	§30.185.220, Hotels and Similar Uses

TABLE 30.20.020: LAND USE REGULATIONS–RESIDENTIAL ZONES					
"A" Allowed Use *"PSP" Performance Standard Permit Required* *"CUP" Conditional Use Permit Required*			*"–" Use Not Allowed* *"(#)" Specific Limitations at the end of the table*		
Use Classification	*RS*	*R-2*	*R-M*	*R-MH*	*Additional Regulations*
Market Garden	CUP	PSP	PSP	PSP	§30.185.130, Community and Market Gardens
Parking, Public or Private (Nonresidential)	CUP	CUP	CUP	CUP	
Retail Sales, Neighborhood Market	CUP	PSP	PSP	PSP	§30.185.370, Retail Sales, Neighborhood Market
Transportation, Communication, and Utilities Uses					
Telecommunications Facilities	§30.185.410, Telecommunications Facilities				
Public Works and Utilities	§30.185.340, Public Works and Utilities				
Other Applicable Types					
Accessory Uses and Buildings	A	A	A	A	§30.185.030, Accessory Uses and §30.140.020, Accessory Buildings
Animal Keeping	A	A	A	A	§30.185.210, Horse Keeping and SBMC 6.08, Care and Keeping of Animals
Cannabis Cultivation	§30.185.110, Cannabis Cultivation				
Mixed-Use Development	Mixed-Use Development is allowed subject to the regulations of the specific uses and applicable zone and permit requirements for any individual use or component of the project.				
Mobilehome	§30.185.270, Mobilehomes, Recreational Vehicles, and Modular Units, Individual Use; and §30.185.420 Temporary Uses				
Nonconforming Use	Chapter 30.165, Nonconforming Uses, Site Development, and Uses				
Solar Energy Systems	§30.140.100.C.8, Solar Energy Systems, and §30.185.400, Solar Energy Systems				
Temporary Use	§30.185.420, Temporary Uses				

Specific Limitations

1. No more than two residential units may be located in any one building.
2. Limited to convents and monasteries.
3. Not allowed in a Historic or Landmark District. Allowed within a H~~h~~igh ~~f~~Fire ~~h~~Hazard ~~zone~~ Area if designed to meet ~~high fire standards~~high fire construction standards adopted or enforced by the City, as determined by the Chief Building Official or the Fire Code Official.
4.. Other public or semi-public facilities not specifically permitted may be allowed in any zone pursuant to Conditional Use Permit approval.
5. Must be located a minimum 300 feet from any other social service facility or emergency shelter.
6. Limited to outdoor tennis clubs, lawn bowling clubs, golf courses and driving ranges. Miniature golf is not allowed.

TABLE 30.20.020: LAND USE REGULATIONS–RESIDENTIAL ZONES					
"A" Allowed Use *"PSP" Performance Standard Permit Required* *"CUP" Conditional Use Permit Required*			*"–" Use Not Allowed* *"(#)" Specific Limitations at the end of the table*		
Use Classification	*RS*	*R-2*	*R-M*	*R-MH*	*Additional Regulations*
7. There shall be a minimum of 100 established hotel-motel guestrooms closer than 500 feet of the boundary of the restaurant site or as allowed pursuant to §30.185.220, Hotels and Similar Uses. The 100 guestrooms may be used to support any number of restaurants.					

30.20.030 Development Standards

Tables 30.20.030.A and 30.20.030.B prescribe the development standards for Residential Zones. Section numbers refer to other sections of this Title, while individual letters refer to subsections that directly follow the tables. Additional regulations that apply throughout the City are located in Division III, Citywide Regulations.

TABLE 30.20.030.A: DEVELOPMENT STANDARDS–RESIDENTIAL SINGLE UNIT ZONES						
Zone	*RS-1A*	*RS-25*	*RS-15*	*RS-10*	*RS-7.5*	*RS-6*
Lot Size and Street Frontage						
Minimum Net Lot Area for Newly Created Lots (sq. ft. unless noted)						
Average Slope less than 10%, and all lots with frontage on the Pacific Ocean regardless of slope	1 acre	25,000	15,000	10,000	7,500	6,000
Average Slope 10% to 20%	1.5 acre	37,500	22,500	15,000	11,250	9,000
Average Slope over 20% to 30%	2 acres	50,000	30,000	20,000	15,000	12,000
Average Slope over 30%	3 acres	75,000	45,000	30,000	22,500	18,000
Minimum Public Street Frontage (ft.)	100	100	90	75	60	60
	See also §30.140.190, Street Frontage and Access; and §30.140.130, Location of Lot Lines					
Maximum Base Residential Density						
Maximum Density (per lot)	1 unit	1unit	1unit	1unit	1unit	1unit
Additional Residential Density Allowances						
All lots, in compliance with the applicable section	See §30.185.050, Additional Residential Unit See §30.185.040, Accessory Dwelling Unit See Chapter 30.145, Affordable Housing and Density Bonus and Development Incentives					

TABLE 30.20.030.A: DEVELOPMENT STANDARDS–RESIDENTIAL SINGLE UNIT ZONES						
Zone	*RS-1A*	*RS-25*	*RS-15*	*RS-10*	*RS-7.5*	*RS-6*
Maximum Floor Area						
Maximum Floor Area (Floor to Lot Area Ratio) (sq. ft.)	Applicable only to lots developed, or proposed to be developed, with a building with two or more stories or 17 feet or more in height.					
Less than 4,000 sq. ft. Net Lot Area	2,200. See also A, Maximum Floor Area (Floor to Lot Area Ratio)					
4,000 to 9,999 sq. ft. Net Lot Area	1,200 + (.25 multiplied by the net lot area) = Maximum Floor Area. See also (A), Maximum Floor Area (Floor to Lot Area Ratio)					
10,000 to 14,999 sq. ft. Net Lot Area	2,500 + (.125 multiplied by the net lot area) = Maximum Floor Area. See also A, Maximum Floor Area (Floor to Lot Area Ratio)					
15,000 and more sq. ft. Net Lot Area	Not Applicable					
Structure Form and Location						
Minimum Residential Unit Size	Studio: 220 square feet; All other units: 400 square feet See §30.140.160, Residential Unit					
Maximum Height (ft.)	30, except as further limited in accordance with §30.140.180, Solar Access Height Limitations					
Minimum Setbacks (ft.), Residential Structures	See also §30.140.100, Encroachments into Setbacks and Open Yards					
Front	35	30	30	25	20	Portions of structures 15 feet or less in height: 15; Portions of structures more than 15 feet in height: 20; Street facing covered parking: 20
	See also B, Setback Reduction for Sloping Lots					
Interior	15	10	10	8	6	5
Minimum Setbacks (ft.), Nonresidential Structures	See also §30.140.100, Encroachments into Setbacks and Open Yards					
Front	Same as for Residential Structures					
Interior (Conversion and Alterations)	Conversions of existing residential structures to nonresidential structures, or alterations of existing structures that contain nonresidential uses, are subject to the setback requirements for residential structures.					

TABLE 30.20.030.A: DEVELOPMENT STANDARDS–RESIDENTIAL SINGLE UNIT ZONES						
Zone	*RS-1A*	*RS-25*	*RS-15*	*RS-10*	*RS-7.5*	*RS-6*
Interior (New or Additions)	30	20	20	12	12	10
	Exception: Neighborhood Markets and Community Gardens are subject to the setback requirements for residential structures.					
Minimum Setbacks, Mixed-Use	Portions of structures that contain residential uses are subject to the setback for residential structures, and portions of structures used for nonresidential uses are subject to the setback requirement for nonresidential structures. Portions of structures used by both the residential and nonresidential uses are subject to the setback requirement for nonresidential structures.					
Minimum Setbacks, Uncovered Parking	See §30.175.060, Location of Required Automobile and Bicycle Parking					
Materials	Roofing and siding materials shall be nonreflective. Shiny, mirror like, or glossy metallic finishes are prohibited.					
Open Yard						
Open Yards	See §30.140.150, Open Yards					

TABLE 30.20.030.B: DEVELOPMENT STANDARDS–TWO-UNIT AND MULTI-UNIT ZONES			
Zone	*R-2*	*R-M*	*R-MH*
Lot Size and Street Frontage			
Minimum Net Lot Area for Newly Created Lots (sq. ft.)			
Average Slope less than 10%	7,000	14,000	14,000
Average Slope 10% to 20%	10,500		
Average Slope over 20% to 30%	14,000		
Average Slope over 30%	21,000		
Minimum Public Street Frontage (ft.)	60	60	60
	See §30.140.190, Street Frontage and Access; and §30.140.130, Location of Lot Lines		
Maximum Base Residential Density			
Less than 5,000 sq. ft. Net Lot Area	1 unit	1 unit	
5,000 to 6,999 sq. ft. Net Lot Area	2 units if Average Slope less than 10%, 1 unit otherwise	2 units	
7,000 and more sq. ft. Net Lot Area			
Average Slope less than 10%	1 unit/3,500 sq. ft. of net lot area	3 units, or 1 unit/3,500 sq. ft. of net lot area, whichever is greater	

TABLE 30.20.030.B: DEVELOPMENT STANDARDS–TWO-UNIT AND MULTI-UNIT ZONES			
Zone	*R-2*	*R-M*	*R-MH*
Average Slope 10% to 20%	1 unit/5,250 sq. ft. of net lot area		
Average Slope over 20% to 30%	1 unit/7,000 sq. ft. of net lot area		
Average Slope over 30%	1 unit/10,500 sq. ft. of net lot area		
Additional Residential Density Allowances			
All lots, in compliance with the applicable section	See §30.140.220, Variable Density in Certain Zones See Chapter 30.150, Average Unit-Size Density Incentive Program See Chapter 30.145, Affordable Housing and Density Bonus and Development Incentives		
Structure Form and Location			
Minimum Residential Unit Size	See §30.140.160, Residential Unit		
Maximum Height (ft.)	30	45	45
	Except as further limited in accordance with §30.140.180, Solar Access Height Limitations		
Minimum Setbacks (ft.), Residential Structures	See also §30.140.100, Encroachments into Setbacks and Open Yards See Chapter 30.150, Average Unit-Size Density Incentive Program		
Front	Portions of structures 15 feet or less in height: 15; Portions of structures more than 15 feet in height: 20; Street facing covered parking: 20 See also (B), Setback Reduction for Sloping Lots	1st and 2nd Stories: 10 Portions of structures above 2nd story: 20	
		Covered parking: 10 Covered parking, street-facing: 20	
Interior	Covered parking: 3 Other structures: 6	1st and 2nd Stories: 6 Portions of structures above 2nd story: 10	
		<u>Covered parking:</u> • Single-Unit Residential and Two-Unit Residential: 3 • Multi-Unit Residential: 6 except as provided in C, Interior Setback Reduction for Covered Parking on Lots 55 Feet or Less and D, Interior	

TABLE 30.20.030.B: DEVELOPMENT STANDARDS–TWO-UNIT AND MULTI-UNIT ZONES			
Zone	*R-2*	*R-M*	*R-MH*
		Setback for Covered Parking Opposite the Primary Front Lot Line	
Minimum Setbacks (ft.), Nonresidential Structures	See also §30.140.100, Encroachments into Setbacks and Open Yards		
Front	Same as for Residential Structures		
Interior (Conversions and Alterations)	Conversions of existing residential structures to nonresidential structures, or alterations of existing structures that contain nonresidential uses, are subject to the setback requirements for residential structures.		
Interior (New or Additions)	12	New nonresidential structures or additions to existing nonresidential structures are subject to the following interior setback: • 1st and 2nd Stories: 12 • Portions of structures above 2nd story: 20 • Exception: Neighborhood Markets and Community Gardens are subject to the setback requirements for residential structures.	
Minimum Setbacks, Mixed-Use	Portions of structures that contain residential uses are subject to the setback for residential structures, and portions of structures used for nonresidential uses are subject to the setback requirement for nonresidential structures. Portions of structures used by both the residential and nonresidential uses are subject to the setback requirement for nonresidential structures.		
Minimum Setbacks, Uncovered Parking	See §30.175.060, Location of Required Automobile and Bicycle Parking		
Open Yard			
Open Yards	See §30.140.150, Open Yards See Chapter 30.150, Average Unit-Size Density Incentive Program		

Additional Residential Zone Development Regulations

A. Maximum Floor Area (Floor to Lot Area Ratio).

1. ***Floor Area, Precluded Development–RS Zones.*** No application for a Building Permit may be approved for a project in an RS Zone that will: (1) result in an increase of the floor area on the lot, (2) change the location of any floor area on the second or higher story of any structure on the lot, or (3) increase the height of any portion of a structure on the lot to 17 feet or higher if any of the following will occur:

a. The floor area will exceed the allowable maximum floor area for the lot, or

b. The floor area will exceed 85 percent of the allowable maximum floor area and any of the following apply.

i. The average slope of the lot or the building site is 30 percent or greater;

ii. The height of any structure on the lot is more than 25 feet; or

iii. The lot is located in the Hillside Design District and 500 or more cubic yards of grading is proposed to occur outside the footprint of the main or accessory buildings. Soil located within five feet of an exterior wall of a main or accessory building that is excavated and re-compacted shall not be included in the calculation of the volume of grading outside the building footprint.

2. ***Measuring Floor Area Pursuant to this Section.*** In determining floor area pursuant to this Section see Section 30.15.070, Measuring Floor Area, and the following:

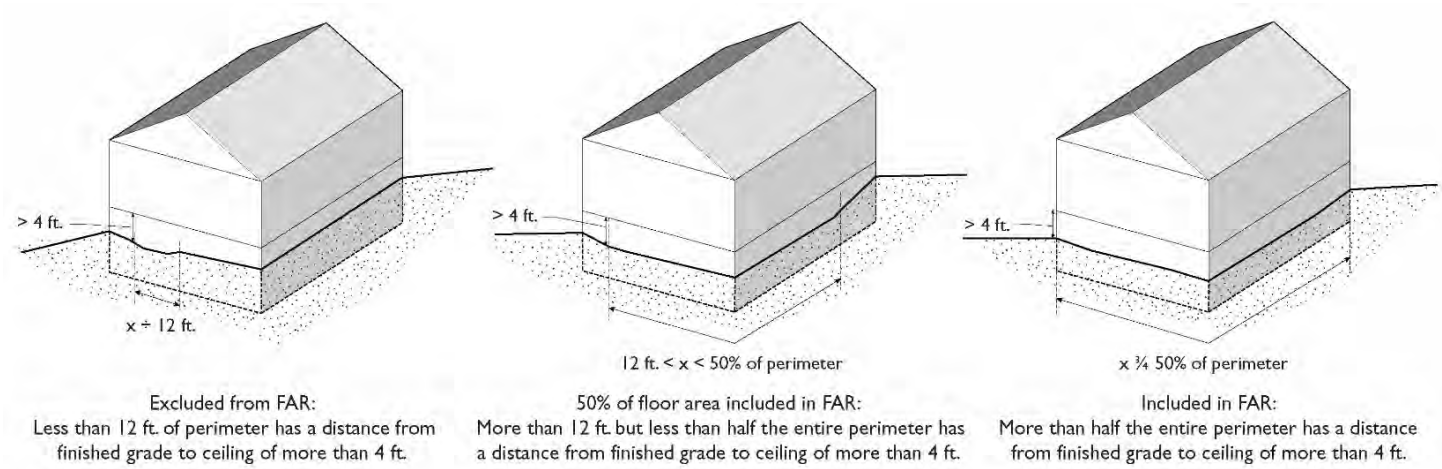
a. *Below Grade Excluded.* On any floor which is partly below and partly above grade, such as a basement, cellar, or understory, the total floor area of that floor may be excluded from the Floor to Lot Area Ratio (FAR) if no more than a cumulative total width of 12 feet per elevation has a distance from finished grade to ceiling greater than four feet.

b. *Partially Below Grade Reduced.* On any floor which is partly below and partly above grade, such as a basement, cellar or understory, the total floor area of that floor may be reduced by 50 percent from the Floor to Lot Area Ratio (FAR) if more than 12 feet, but less than one half the entire length of the perimeter has a distance from grade to ceiling greater than four feet.

c. *All Other Floor Area Included.* If more than one half the entire length of the perimeter of any floor has a distance from grade to ceiling greater than four feet, it is included in the Floor to Lot Area Ratio (FAR).

d. *Accessory Dwelling Unit Excluded.* Floor area within a portion of a structure designed and permitted as an Accessory Dwelling Unit is not included.

FIGURE 30.20.030.(A)(.2): MEASURING FLOOR AREA



B. **Setback Reduction for Sloping Lots.**

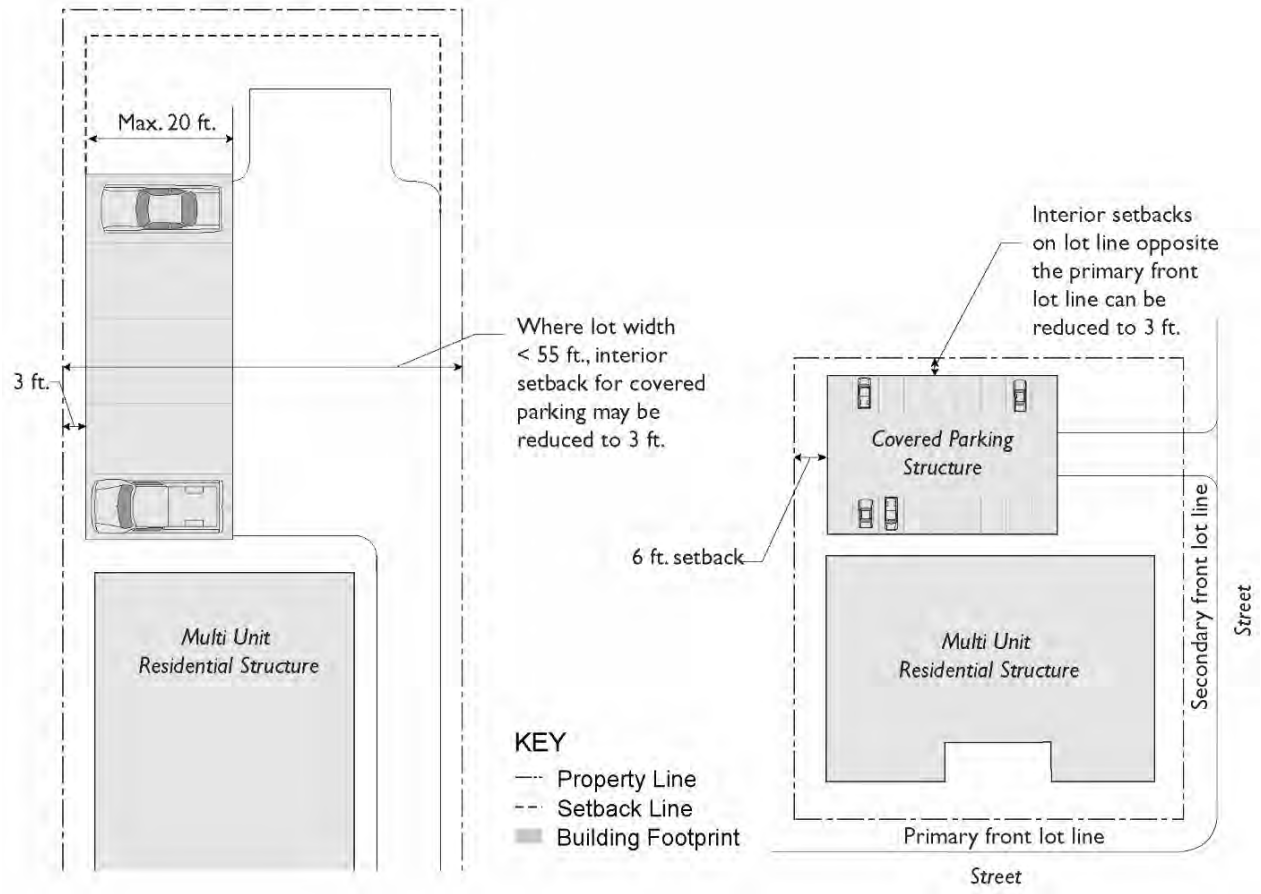
1. ***Residential Single Unit Zones.*** In Residential Single Unit zones, where the average natural slope of the area within 50 feet of the front lot line is more than 20 percent, the required front setback for all stories is reduced by five feet.

2. ***R-2 Zone.*** In the R-2 Zone, where the average natural slope of the area within 50 feet of the front lot line is more than 20 percent, the required front setback for all stories is reduced to 10 feet.

C. **Interior Setback Reduction for Covered Parking on Lots 55 Feet or Less.** The required interior setback for covered parking on lots in the R-M or R-MH zone less than 55 feet in width, measured at the location of the covered parking structure, and developed with multi-unit residential may be reduced to three feet by the appropriate Design Review body provided the covered parking opening does not face a street or alley and the interior depth of the covered parking structure does not exceed 20 feet.

D. **Interior Setback Reduction for Covered Parking Opposite the Primary Front Lot Line**. The required interior setback for covered parking on lots in the R-M or R-MH zone developed with multi-unit residential may be reduced to three feet on the lot line opposite the primary front lot line. In the event of two or more front lot lines, the setback of only one opposite lot line may be reduced to three feet.

FIGURE 30.20.030.~~(~~C~~)~~ AND ~~(~~D~~)~~: INTERIOR SETBACK REDUCTION FOR COVERED PARKING



Chapter 30.25 Commercial and Office Zones

Sections:

30.25.010 Purpose
30.25.020 Land Use Regulations
30.25.030 Development Standards

30.25.010 Purpose

The specific purposes of the Commercial and Office Zones are to:

A. Provide for the orderly, well-planned, and balanced development of commercial, office, and residential areas.

B. Encourage a mix of uses that promotes convenience, economic vitality, fiscal stability, and a pleasant quality of life.

C. Provide for a full range of commercial, retail, and professional services to serve the city, its residents, employees, and visitors.

D. Promote pedestrian- and transit-oriented mixed-use areas at appropriate locations.

E. Provide appropriate transition between commercial and office uses and adjacent residential zones to preserve commercial feasibility and provide a desirable living environment by preserving and protecting surrounding residential land uses in terms of light, air, and existing visual amenities.

F. Implement and provide appropriate regulations for General Plan classifications of Commercial/Medium High Residential, Commercial/High Residential, Office/Medium Density Residential, Office/Medium High Residential, and Office/High Residential.

Additional purposes of each Commercial and Office Zone follow.

O-R Office Restricted. The O-R Zone is intended to provide sites for administrative, financial, business, professional, and public offices as well as a mix of complementary uses. This zone is a transitional zone between major commercial zones and residential zones.

O-M Office Medical. The O-M Zone is intended to provide sites for medical, dental, and related professional offices, and complementary uses, near a major medical facility.

C-R Commercial Restricted. The C-R Zone is intended for pedestrian-oriented commercial development that primarily serves neighborhood needs such as convenience shopping and offices.

C-G Commercial General. The C-G Zone is intended to provide a wide range of commercial uses, serving as the City's major retail, professional, and service zone.

30.25.020 Land Use Regulations

Table 30.25.020 prescribes the land use regulations for Commercial and Office Zones.

Use classifications are defined in Chapter 30.295, Use Classifications. In cases where a specific land use or activity is not defined, the Community Development Director shall assign the land use or activity to a classification that is substantially similar in character. Use classifications and subclassifications not listed in the table, or not found to be substantially similar to the uses below, are prohibited.

The table also notes additional land use regulations that apply to various uses. Numbers in parentheses refer to specific limitations listed at the end of the table. Section numbers in the right hand column refer to other sections of this Title.

TABLE 30.25.020: LAND USE REGULATIONS–COMMERCIAL AND OFFICE ZONES					
"A" Allowed Use *"PSP" Performance Standard Permit Required* *"CUP" Conditional Use Permit Required*			*"–" Use Not Allowed* *"(#)" Specific Limitations at the end of the table*		
Use Classification	*O-R*	*O-M*	*C-R*	*C-G*	*Additional Regulations*
Residential Uses					
Residential Housing Types					
Single-Unit Residential	A	A	A	A	§30.185.040, Accessory Dwelling Unit
Two-Unit Residential	A	A	A	A	
Multi-Unit Residential	A	A	A	A	
Special Residential Unit Types					
Caretaker Unit	A	A	A	A	§30.185.120, Caretaker Unit
Community Care Facilities, Residential Care Facilities for the Elderly, and Hospices					
6 or fewer individuals	A	A	A	A	§30.185.140, Community Care Facilities, Residential Care Facilities for the Elderly, and Hospices
7 to 12 individuals	A	A	A	A	
More than 12 individuals	CUP	CUP	CUP	CUP	
Family Day Care Home					
Small	A	A	A	A	
Large	A	A	A	A	
Group Residential	PSP	PSP	PSP	PSP	§30.185.190, Group Residential
Home Occupation	A	A	A	A	§30.185.200, Home Occupation
Live-Work Unit	Allowed subject to the highest permit level required for any individual use or component of the project.				§30.185.240, Live-Work Units

TABLE 30.25.020: LAND USE REGULATIONS–COMMERCIAL AND OFFICE ZONES					
"A" Allowed Use *"PSP" Performance Standard Permit Required* *"CUP" Conditional Use Permit Required*			*"–" Use Not Allowed* *"(#)" Specific Limitations at the end of the table*		
Use Classification	*O-R*	*O-M*	*C-R*	*C-G*	*Additional Regulations*
Mobilehome Park	CUP(1)	CUP(1)	CUP(1)	CUP(1)	§30.185.280, Mobilehome and Permanent Recreational Vehicle Parks
Supportive Housing	§30.185.430, Transitional and Supportive Housing				
Transitional Housing	§30.185.430, Transitional and Supportive Housing				
Public and Semi-Public Uses (2)					
Cemetery	CUP	CUP	CUP	A	
College and Trade School	CUP	CUP	CUP	A	
Community Assembly	CUP	CUP	CUP	A	
Community Garden	A	A	A	A	§30.185.130, Community and Market Gardens
Cultural Institution	CUP	CUP	CUP	A	
Day Care Center	CUP	CUP	A	A	§30.185.150, Day Care Centers
Emergency Shelter	CUP	CUP	CUP	CUP	§30.185.170, Emergency Shelter
Hospitals and Clinics					
Hospital	–	CUP	CUP	CUP	
Clinic	CUP	A	CUP	A	
Birth Center	–	A	A	A	
Instructional Services	–	–	A	A	
Park and Recreation Facility	CUP	CUP	CUP	CUP	§30.185.350, Recreation Facilities
Public Facilities	CUP	CUP	CUP	A	
Recreational Vehicle and Camping Parks, Overnight	–	–	CUP	CUP	§30.185.320, Overnight Recreational Vehicle and Camping Parks
Recreational Vehicle Parks, Permanent	CUP(1)	CUP(1)	CUP(1)	CUP(1)	§30.185.280, Mobilehome and Permanent Recreational Vehicle Parks
Schools	CUP	CUP	CUP	A	
Skilled Nursing Facility	–	CUP	CUP	CUP	
Social Service Facilities	CUP(3)	CUP(3)	CUP(3)	CUP(3)	
Commercial Uses					
Adult Entertainment Facilities	–	–	–	A	§30.185.060, Adult Entertainment Facilities

TABLE 30.25.020: LAND USE REGULATIONS–COMMERCIAL AND OFFICE ZONES					
"A" Allowed Use *"PSP" Performance Standard Permit Required* *"CUP" Conditional Use Permit Required*			*"–" Use Not Allowed* *"(#)" Specific Limitations at the end of the table*		
Use Classification	*O-R*	*O-M*	*C-R*	*C-G*	*Additional Regulations*
Agriculture	A	A	A	A	§30.185.070, Agriculture
Animal Care, Sales and Services					
Animal Daycare	–	–	A(4)	A(4)	
Animal Shelter and Boarding	–	–	A(5)	A(5)	
Grooming and Pet Stores	–	–	A(4)	A(4)	
Veterinary Services	–	–	A(4)	A(4)	
Artist Studio	–	–	A	A	
Automated Teller Machine	A	A	A	A	§30.185.080, Automated Teller Machines
Automobile/Vehicle Sales and Services					
Automobile/Vehicle Rentals	–	–	A	A	
Automobile/Vehicle Sales and Leasing	–	–	–	A(6)	
Car Washing Facilities	–	–	PSP	PSP	§30.185.090, Automobile/Vehicle Fueling Stations or Car Washing Facilities
Fueling Station	–	–	PSP(7)	PSP	§30.185.090, Automobile/Vehicle Fueling Stations or Car Washing Facilities
Service and Repair, Minor	–	–	CUP	A	
Banks and Financial Institutions	A	A/PSP(8)	A	A	§30.185.100, Banks and Financial Institutions in the O-M Zone
Business Services	–	–	A	A	
Commercial Entertainment and Recreation					
Cinema/Theater	–	–	–	A	
Large-scale	–	–	–	CUP	§30.185.350, Recreation Facilities
Small-scale	–	–	A	A	
Eating and Drinking Establishments	–	–	A	A	
Food Preparation	–	–	A(9)	A(10)	§30.185.380, Seafood Odor Control

TABLE 30.25.020: LAND USE REGULATIONS–COMMERCIAL AND OFFICE ZONES					
"A" Allowed Use *"PSP" Performance Standard Permit Required* *"CUP" Conditional Use Permit Required*			*"–" Use Not Allowed* *"(#)" Specific Limitations at the end of the table*		
Use Classification	*O-R*	*O-M*	*C-R*	*C-G*	*Additional Regulations*
Funeral Parlors and Interment Services	–	–	A	A	
Hotels and Similar Uses	CUP(11)	–	A	A	§30.185.220, Hotels and Similar Uses
Maintenance and Repair Services	–	–	A	A	
Market Garden	A	A	A	A	§30.185.130, Community and Market Gardens
Medical Cannabis Dispensaries	PSP	PSP	PSP	PSP	§30.185.250, Medical Cannabis Dispensaries
Nurseries and Garden Centers	–	–	A	A	
Offices					
Business and Professional	A	A(12)	A	A	
Medical and Dental	A	A	A	A	
Outdoor Sales and Display	–	–	A(13)	A	§30.185.300, Outdoor Sales and Display
Outdoor Seating	–	–	A(14)	A(14)	
Parking, Public or Private	A	A	A	A	
Personal Services	–	–	A	A	
Retail Sales					
Food and Beverage Retail Sales	–	–	A	A	
General Retail	–	A/PSP(15)	A	A	§30.185.260, Medical Equipment Supply Stores
Neighborhood Market	PSP	PSP	PSP	PSP	§30.185.370, Retail Sales, Neighborhood Market
Industrial Uses					
Building Materials and Services	–	–	–	A(16)	
Custom Manufacturing	–	–	–	A(16)	
Food and Beverage Manufacturing, Limited/Small Scale	–	–	A(16)	A(16)	§30.185.380, Seafood Odor Control

TABLE 30.25.020: LAND USE REGULATIONS–COMMERCIAL AND OFFICE ZONES					
"A" Allowed Use *"PSP" Performance Standard Permit Required* *"CUP" Conditional Use Permit Required*			*"–" Use Not Allowed* *"(#)" Specific Limitations at the end of the table*		
Use Classification	*O-R*	*O-M*	*C-R*	*C-G*	*Additional Regulations*
Household Hazardous Waste Collection Facility	–	–	A	A	
Industry, Limited	–	–	–	A(16)	
Research and Development	A(17)	–	A(17)	A	
Warehousing and Storage					
Personal Storage	–	–	–	A(18)	
Transportation, Communication, and Utilities Uses					
Telecommunications Facilities	§30.185.410, Telecommunications Facilities				
Transportation Passenger Terminals	–	–	–	PSP	
Public Works and Utilities	§30.185.340, Public Works and Utilities				
Other Applicable Types					
Accessory Uses and Buildings	A/PSP	A/PSP	A/PSP	A/PSP	§30.185.030, Accessory Uses and §30.140.020, Accessory Buildings
Animal Keeping	A	A	A	A	§30.185.210, Horse Keeping and SBMC 6.08, Care and Keeping of Animals
Cannabis Cultivation	§30.185.110, Cannabis Cultivation				
Mixed-Use Development	Mixed-Use Development is allowed subject to the regulations of the specific uses and applicable zone and permit requirements for any individual use or component of the project.				
Mobilehome	§30.185.270, Mobilehomes, Recreational Vehicles, and Modular Units, Individual Use; and §30.185.420 Temporary Uses				
Nonconforming Use	Chapter 30.165, Nonconforming Uses, Site Development, and Uses				
Solar Energy Systems	§30.140.100.C.8, Solar Energy Systems, and §30.185.400, Solar Energy Systems				
Temporary Use	§30.185.420, Temporary Uses				

Specific Limitations

1. Not allowed in a Historic or Landmark District. Allowed within a ~~high fire hazard zone~~High Fire Hazard Area if designed to meet ~~high fire standards~~high fire construction standards adopted or enforced by the City, as determined by the Chief Building Official or the Fire Code Official.
2. Other public or semi-public facilities not specifically permitted may be allowed in any zone pursuant to Conditional Use Permit approval.
3. Must be located a minimum 300 feet from any other social service facility or emergency shelter.
4. All activities shall be conducted within an enclosed building.

TABLE 30.25.020: LAND USE REGULATIONS–COMMERCIAL AND OFFICE ZONES					
"A" Allowed Use *"PSP" Performance Standard Permit Required* *"CUP" Conditional Use Permit Required*			*"–" Use Not Allowed* *"(#)" Specific Limitations at the end of the table*		
Use Classification	*O-R*	*O-M*	*C-R*	*C-G*	*Additional Regulations*
5. Limited to boarding of cats and other household pets, excluding dogs. All activities shall be conducted within an enclosed building. Breeding is not permitted. 6. Limited to sales of used automobiles; new or used motorcycles and mopeds are allowed. 7. Limited to no more than six fuel dispensers, which may each serve two vehicles. 8. Banks with 1,000 square feet of floor area or less per lot are allowed. Banks with more than 1,000 square feet of floor area per lot require Performance Standard Permit approval. 9. Limited to no more than 10 employees at any given time. 10. Limited to no more than 20 employees at any given time. 11. Limited to Hotels located in Structures of Merit or Landmarks pursuant to Chapter 22.22, Historic Structures, or in another structure on the same lot as a Structure of Merit or Landmark used as a Hotel. 12. Limited to offices related to medical and dental field only. 13. Limited to outdoor uses associated with Fueling Stations and Nurseries and Garden Centers. 14. In conjunction with any establishment that serves or sells food or beverages. 15. Limited to pharmacies and medical equipment supply stores. Medical equipment supply stores with 3,000 square feet of floor area or less per lot are allowed. Medical equipment supply stores with more than 3,000 square feet of floor area per lot require a Performance Standard Permit. 16. Limited to no more than 10 employees engaged in manufacturing. Manufacturing activities are limited to accessory uses as defined in §30.185.030, Accessory Uses, and may occupy no more than 25 percent of the floor area in a structure in the C-R Zone and 50 percent in the C-G Zone. 17. Limited to the Land Use Regulations, Operational and Performance Standards in Chapter 30.65, Research and Development (RD) Overlay Zone. 18. Individual storage compartments not to exceed 400 square feet in area.					

30.25.030 Development Standards

Table 30.25.030 prescribes the development standards for Commercial and Office Zones. Section numbers refer to other sections of this Title, while individual letters refer to subsections that directly follow the table. Additional regulations that apply throughout the City are located in Division III, Citywide Regulations.

TABLE 30.25.030: DEVELOPMENT STANDARDS–COMMERCIAL AND OFFICE ZONES				
Zone	*O-R*	*O-M*	*C-R*	*C-G*
Lot Size and Street Frontage				
Minimum Net Lot Area for Newly Created Lots	None; except 3,500 sq. ft. of net lot area is required for lots that include residential uses			
Minimum Public Street Frontage	None, See §30.140.190, Street Frontage and Access; and §30.140.130, Location of Lot Lines			
Maximum Base Residential Density				
Less than 5,000 sq. ft. Net Lot Area	1 unit			
5,000 to 6,999 sq. ft. Net Lot Area	2 units			
7,000 and more sq. ft. Net Lot Area	3 units, or 1 unit/3,500 sq. ft. of net lot area, whichever is greater			
Additional Residential Density Allowances				
All lots, in compliance with the applicable section	See §30.140.220, Variable Density in Certain Zones See Chapter 30.150, Average Unit-Size Density Incentive Program See Chapter 30.145, Affordable Housing and Density Bonus and Development Incentives			
Structure Form and Location				
Minimum Residential Unit Size	Studio: 220 square feet; All other units: 400 square feet See §30.140.160, Residential Unit			
Maximum Height (ft.)	45	45	45	45; 60 for Community Benefit Project or Community Benefit Housing Project (§30.140.110.B) See also A, Theater Additions
Additional Height Limitations Adjacent to all Residential Zones	Height is further limited in accordance with §30.140.180, Solar Access Height Limitations			

TABLE 30.25.030: DEVELOPMENT STANDARDS–COMMERCIAL AND OFFICE ZONES				
Zone	*O-R*	*O-M*	*C-R*	*C-G*
Minimum Setbacks (ft.)	See also §30.140.100, Encroachments into Setbacks and Open Yards See Chapter 30.150, Average Unit-Size Density Incentive Program			
Front	Residential only development: Same as R-M Zone Nonresidential and mixed-use development: • 1st and 2nd Stories: 10 • Portions of structure above 2nd story: 20			Residential only development: Same as R-M Zone Nonresidential and mixed-use development: 0
Interior, Adjacent to a Nonresidential Zone	Residential only development: Same as R-M Zone Nonresidential and mixed-use development: • 1st and 2nd Stories: 6 • Portions of structure above 2nd story: 10		Residential only development: Same as R-M Zone Nonresidential and mixed-use development: 0	
Interior, Adjacent to a Residential Zone	Residential structures, and the residential portion of any mixed-use development: Same as R-M Zone Nonresidential structures, and the nonresidential portion of any structure in a mixed-use development, 30 feet or less in height: 15 Nonresidential structures, and the nonresidential portion of any structure in a mixed-use development, more than 30 feet in height: 20 Portions of structures used by both the residential and nonresidential uses are subject to the setback requirement for nonresidential structures.			
Uncovered Parking	See §30.175.060, Location of Required Automobile and Bicycle Parking			
Open Yard				
Open Yards	Any lot developed with residential uses shall provide open yard pursuant to §30.140.150, Open Yards. See Chapter 30.150, Average Unit-Size Density Incentive Program			

Additional Commercial and Office Zone Development Regulations

A. **Theater Additions.** A stage addition to a live performance theater shall not be considered as part of the height of the structure under the following circumstances:

1. The stage addition is devoted solely to rigging fly systems,
2. The addition is made to a theater that existed as of December 31, 2003, and
3. The stage addition does not exceed the height of the theater as such theater existed on December 31, 2003.

Chapter 30.30 Manufacturing Zones

Sections:

30.30.010 Purpose
30.30.020 Land Use Regulations
30.30.030 Development Standards

30.30.010 Purpose

The specific purposes of the Manufacturing Zones are to:

A. Designate adequate land for manufacturing, research and development, and flexible commercial uses to strengthen the city's economic base and provide a range of employment opportunities for the city and region.

B. Provide areas for a wide range of manufacturing, industrial processing, and service commercial uses and protect areas where such uses now exist.

C. Implement and provide appropriate regulations for General Plan classifications of Commercial Industrial/Medium High Residential and Industrial.

Additional purposes of each Manufacturing Zone follow.

M-C Manufacturing Commercial. The M-C Zone is intended to accommodate a wide range of limited industrial, residential, retail service, office, and research and development uses.

M-I Manufacturing Industrial. The M-I Zone is intended to provide area for a diverse range of industrial uses, including manufacturing and processing, research and development, fabrication, equipment and service yards, and wholesaling. Retail, office, and other nonresidential uses may be allowed as accessory uses to industrial uses.

30.30.020 Land Use Regulations

Table 30.30.020 prescribes the land use regulations for Manufacturing Zones.

Use classifications are defined in Chapter 30.295, Use Classifications. In cases where a specific land use or activity is not defined, the Director shall assign the land use or activity to a classification that is substantially similar in character. Use classifications and subclassifications not listed in the table, or not found to be substantially similar to the uses below, are prohibited.

The table also notes additional land use regulations that apply to various uses. Numbers in parentheses refer to specific limitations listed at the end of the table. Section numbers in the right hand column refer to other sections of this Title.

TABLE 30.30.020: LAND USE REGULATIONS–MANUFACTURING ZONES			
"A" Allowed Use *"PSP" Performance Standard Permit Required* *"CUP" Conditional Use Permit Required*	*"–" Use Not Allowed* *"(#)" Specific Limitations at the end of the table*		
Use Classification	*M-C*	*M-I*	*Additional Regulations*
Residential Uses			
Residential Housing Types			
Single-Unit Residential	A	–	§30.185.040, Accessory Dwelling Unit
Two-Unit Residential	A	–	
Multi-Unit Residential	A	–	
Special Residential Unit Types			
Caretaker Unit	A	A(1)	§30.185.120, Caretaker Unit
Community Care Facilities, Residential Care Facilities for the Elderly, and Hospices			
6 or fewer individuals	A	–	§30.185.140, Community Care Facilities, Residential Care Facilities for the Elderly, and Hospices
7 to 12 individuals	A	–	
More than 12 individuals	CUP	–	
Family Day Care Home			
Small	A	–	
Large	A	–	
Group Residential	PSP	–	§30.185.190, Group Residential
Home Occupation	A	–	§30.185.200, Home Occupation
Live-Work Unit	Allowed subject to the highest permit level required for any individual use or component of the project.	–	§30.185.240, Live-Work Units
Mobilehome Park	CUP(2)	–	§30.185.280, Mobilehome and Permanent Recreational Vehicle Parks
Supportive Housing	§30.185.430, Transitional and Supportive Housing		
Transitional Housing	§30.185.430, Transitional and Supportive Housing		
Public and Semi-Public Uses (3)			
Cemetery	A	–	
College and Trade School	A	A(4)	

TABLE 30.30.020: LAND USE REGULATIONS–MANUFACTURING ZONES			
"A" Allowed Use *"PSP" Performance Standard Permit Required* *"CUP" Conditional Use Permit Required*		*"–" Use Not Allowed* *"(#)" Specific Limitations at the end of the table*	
Use Classification	*M-C*	*M-I*	*Additional Regulations*
Community Assembly	A	–	
Community Garden	A	A	§30.185.130, Community and Market Gardens
Cultural Institution	A	–	
Day Care Center	A	–	§30.185.150, Day Care Centers
Emergency Shelter	A	CUP	§30.185.170, Emergency Shelter
Hospitals and Clinics			
Hospital	CUP	–	
Clinic	A	–	
Birth Center	A	–	
Instructional Services	A	–	
Park and Recreation Facility	CUP	–	§30.185.350, Recreation Facilities
Public Facility	A	A	
Recreational Vehicle and Camping Parks, Overnight	CUP(2)	–	§30.185.320, Overnight Recreational Vehicle and Camping Parks
Recreational Vehicle Parks, Permanent	CUP(2)	–	§30.185.280, Mobilehome and Permanent Recreational Vehicle Parks
Schools	A	–	
Skilled Nursing Facility	A	–	
Social Service Facilities	CUP(5)	CUP(5)	
Commercial Uses			
Adult Entertainment Facilities	A	A	§30.185.060, Adult Entertainment Facilities
Agriculture	A	A	§30.185.070, Agriculture
Animal Care, Sales and Services			
Animal Daycare	A(6)	A	
Animal Shelter and Boarding	A(7)	A	
Grooming and Pet Stores	A(6)	A	
Veterinary Services	A(6)	A	
Artist Studio	A	A	
Automated Teller Machine	A	A	§30.185.080, Automated Teller Machines
Automobile/Vehicle Sales and Services			

TABLE 30.30.020: LAND USE REGULATIONS–MANUFACTURING ZONES			
"A" Allowed Use *"PSP" Performance Standard Permit Required* *"CUP" Conditional Use Permit Required*	*"–" Use Not Allowed* *"(#)" Specific Limitations at the end of the table*		
Use Classification	*M-C*	*M-I*	*Additional Regulations*
Automobile/Vehicle Rentals	A	A	
Automobile/Vehicle Sales and Leasing	A(8)	A(8)	
Car Washing Facilities	PSP	PSP	§30.185.090, Automobile/Vehicle Fueling Stations or Car Washing Facilities
Fueling Station	PSP	A	§30.185.090, Automobile/Vehicle Fueling Stations or Car Washing Facilities
Service and Repair, Minor	A	A	
Banks and Financial Institutions	A	–	
Business Services	A	–	
Commercial Entertainment and Recreation			
Cinema/Theater	A	–	
Large-scale	CUP	–	§30.185.350, Recreation Facilities
Small-scale	A	–	
Eating and Drinking Establishments	A	A(9)	
Food Preparation	A	A(10)	§30.185.380, Seafood Odor Control
Funeral Parlors and Interment Services	A	A	
Hotels and Similar Uses	A	–	§30.185.220, Hotels and Similar Uses
Maintenance and Repair Services	A	A	
Market Garden	A	A	§30.185.130, Community and Market Gardens
Medical Cannabis Dispensaries	PSP	PSP	§30.185.250, Medical Cannabis Dispensaries
Nurseries and Garden Centers	A	A	
Offices			
Business and Professional	A	A(9)	
Medical and Dental	A	–	
Outdoor Sales and Display	A	A	§30.185.300, Outdoor Sales and Display
Outdoor Seating	A	A	
Parking, Public or Private	A	A	
Personal Services	A	–	

TABLE 30.30.020: LAND USE REGULATIONS–MANUFACTURING ZONES			
"A" Allowed Use *"PSP" Performance Standard Permit Required* *"CUP" Conditional Use Permit Required*		*"–" Use Not Allowed* *"(#)" Specific Limitations at the end of the table*	
Use Classification	*M-C*	*M-I*	*Additional Regulations*
Retail Sales			
Food and Beverage Retail Sales	A	A(9)	
General Retail	A	A(9)	
Neighborhood Market	PSP	–	§30.185.370, Retail Sales, Neighborhood Market
Industrial Uses			
Automobile and Vehicle Repair, Major	A	A	
Building Materials and Services	A	A	
Commercial Vehicle and Equipment Sales and Rental	A	A	
Construction and Materials Yard	A	A	
Custom Manufacturing	A	A(10)	
Food and Beverage Manufacturing			
Limited/Small Scale	A(11)	A/PSP(12)	§30.185.380, Seafood Odor Control
General/Large Scale	–	A/PSP(12)	§30.185.380, Seafood Odor Control
Hazardous Waste Management Facility	CUP	CUP	Chapter 30.55, Hazardous Waste Management Facility (HWMF) Overlay Zone
Household Hazardous Waste Collection Facility	A	A	
Industry, General	–	A	
Industry, Limited	A	A	
Recycling Collection Facility	A	A	
Research and Development	A	A	
Salvage and Wrecking	CUP	CUP	
Towing and Impound	A	A	
Warehousing and Storage			
Indoor Warehousing and Storage	A	A	
Outdoor Storage	–	A	§30.185.310, Outdoor Storage
Personal Storage	A	A	
Wholesaling and Distribution	–	A	

TABLE 30.30.020: LAND USE REGULATIONS–MANUFACTURING ZONES			
"A" Allowed Use *"PSP" Performance Standard Permit Required* *"CUP" Conditional Use Permit Required*	*"–" Use Not Allowed* *"(#)" Specific Limitations at the end of the table*		
Use Classification	*M-C*	*M-I*	*Additional Regulations*
Transportation, Communication, and Utilities Uses			
Freight/Truck Terminals and Warehouses	–	A	
Light Fleet Based Services	A	A	
Telecommunications Facilities	§30.185.410, Telecommunications Facilities		
Transportation Passenger Terminals	A	A	
Public Works and Utilities	§30.185.340, Public Works and Utilities		
Other Applicable Types			
Accessory Uses and Buildings	A/PSP	A/PSP	§30.185.030, Accessory Uses, and §30.140.020, Accessory Buildings
Animal Keeping	A	A	§30.185.210, Horse Keeping and SBMC 6.08, Care and Keeping of Animals
Cannabis Cultivation	§30.185.110, Cannabis Cultivation		
Mixed-Use Development	Mixed-Use Development is allowed subject to the regulations of the specific uses and applicable zone and permit requirements for any individual use or component of the project.		
Mobilehome	§30.185.270, Mobilehomes, Recreational Vehicles, and Modular Units, Individual Use; and §30.185.420 Temporary Uses		
Nonconforming Use	Chapter 30.165, Nonconforming Uses, Site Development, and Uses		
Solar Energy Systems	§30.140.100.C.8, Solar Energy Systems, and §30.185.400, Solar Energy Systems		
Temporary Use	§30.185.420, Temporary Uses		

Specific Limitations

1. Limited to a Caretaker Unit of no more than 400 square feet of net floor area.
2. Not allowed in a Historic or Landmark District. Allowed within a ~~high fire hazard zone~~High Fire Hazard Area if designed to meet ~~high fire standards~~high fire construction standards adopted or enforced by the City, as determined by the Chief Building Official or the Fire Code Official.
3. Other public or semi-public facilities not specifically permitted may be allowed in any zone pursuant to Conditional Use Permit approval.
4. Limited to industrial-related trade schools.
5. Must be located a minimum 300 feet from any other social service facility or emergency shelter.
6. Outdoor activities may occur between the hours of 9:00 a.m. and 4:00 p.m. Activities at all other times shall be conducted within an enclosed building.

TABLE 30.30.020: LAND USE REGULATIONS–MANUFACTURING ZONES			
"A" Allowed Use *"PSP" Performance Standard Permit Required* *"CUP" Conditional Use Permit Required*	*"–" Use Not Allowed* *"(#)" Specific Limitations at the end of the table*		
Use Classification	*M-C*	*M-I*	*Additional Regulations*
7. Limited to the boarding of cats and other household pets, excluding dogs. Outdoor activities may occur between the hours of 9:00 a.m. and 4:00 p.m. Activities at all other times shall be conducted within an enclosed building. Breeding is not permitted. 8. Limited to sales of used automobiles. New or used motorcycles or mopeds are allowed. 9. Only allowed as an accessory use pursuant to §30.185.030, Accessory Uses. 10. Retail sales only allowed as an accessory use. See §30.185.030, Accessory Uses. 11. Seafood processing is not allowed. 12. Seafood processing is only allowed with a PSP.			

30.30.030 Development Standards

Table 30.30.030 prescribes the development standards for Manufacturing Zones. Section numbers refer to other sections of this Title. Additional regulations that apply throughout the City are located in Division III, Citywide Regulations.

TABLE 30.30.030: DEVELOPMENT STANDARDS–MANUFACTURING ZONES		
Zone	*M-C*	*M-I*
Lot Size and Street Frontage		
Minimum Net Lot Area for Newly Created Lots (sq. ft.)	None; except 3,500 sq. ft. of net lot area is required for lots that include residential uses	
Minimum Public Street Frontage (ft.)	None, See §30.140.190, Street Frontage and Access; and §30.140.130, Location of Lot Lines	
Maximum Base Residential Density		
Less than 5,000 sq. ft. Net Lot Area	1 unit	One Caretaker Unit See §30.185.120, Caretaker Unit
5,000 to 6,999 sq. ft. Net Lot Area	2 units	
7,000 and more sq. ft. Net Lot Area	3 units, or 1 unit/3,500 sq. ft. of net lot area, whichever is greater	
Additional Residential Density Allowances		
All lots, in compliance with the applicable section	See §30.140.220, Variable Density in Certain Zones See Chapter 30.150, Average Unit-Size Density Incentive Program See Chapter 30.145, Affordable Housing and Density Bonus and Development Incentives	None applicable

TABLE 30.30.030: DEVELOPMENT STANDARDS–MANUFACTURING ZONES		
Zone	*M-C*	*M-I*
Structure Form and Location		
Minimum Residential Unit Size	Studio: 220 square feet; All other units: 400 square feet See §30.140.160, Residential Unit	
Maximum Height (ft.)	45; 60 for Community Benefit Project or Community Benefit Housing Project (§30.140.110.B)	
Additional Height Limitations Adjacent to all Residential Zones	Height is further limited in accordance with §30.140.180, Solar Access Height Limitations	
Minimum Setbacks (ft.)	See also §30.140.100, Encroachments into Setbacks and Open Yards See Chapter 30.150, Average Unit-Size Density Incentive Program	
Front	Residential only structures: Same as R-M Zone Nonresidential and mixed-use development: 0	
Interior, Adjacent to a Nonresidential Zone	Residential only structures: Same as R-M Zone Nonresidential and mixed-use development: 0	
Interior, Adjacent to a Residential Zone	Residential structures and the residential portion of any mixed-use development: Same as R-M Zone Nonresidential, and the nonresidential portion of any structure in a mixed-use development, 30 feet in height or less: 15 Nonresidential structures, and the nonresidential portion of any structure in a mixed-use development, more than 30 feet in height: 20 Portions of structures used by both the residential and nonresidential uses are subject to the setback requirement for nonresidential structures.	
Uncovered Parking	See §30.175.060, Location of Required Automobile and Bicycle Parking	
Open Yard		
Open Yards	Any lot developed with residential use shall provide open yard pursuant to §30.140.150, Open Yards. See Chapter 30.150, Average Unit-Size Density Incentive Program	

Chapter 30.35 Coastal-Oriented Zones

Sections:

30.35.010 Purpose
30.35.020 Land Use Regulations
30.35.030 Development Standards

30.35.010 Purpose

The purposes of Coastal-Oriented Zones are as follows:

A. **Coastal-Oriented Hotel and Restaurant (CO-HR) Zone.** The Coastal-Oriented Hotel and Restaurant (CO-HR) Zone, strives to promote, maintain and protect visitor-serving uses. Hotels and restaurants are the primary uses.

B. **Coastal-Oriented Hotel and Visitor-Serving (CO-HV) Zone.** The Coastal-Oriented Hotel and Visitor-Serving (CO-HV) Zone, because of its proximity to the shoreline and location along two major arteries, strives to promote, maintain and protect visitor-serving and commercial recreational uses. Tourist and traveler related uses shall be encouraged in this zone in a manner which does not detract from the desirability of the shoreline as a place to visit. Residential uses are appropriate in certain areas. Land classified in the CO-HV Zone may also be overlaid with a second classification of being in the Coastal-Oriented Commercial, Arts and Recreation (CO-CAR) Zone.

C. **Coastal-Oriented Harbor (CO-H) Zone.** The Coastal-Oriented Harbor (CO-H) Zone strives to maintain the harbor as primarily a working harbor with visitor-serving and coastal-related uses secondary to coastal-dependent uses, and that Stearns Wharf will consist of a mixture of visitor-serving, and coastal-dependent and coastal-related uses. In addition, this zone is intended to preserve and protect the coastal environment in terms of light, air, and visual amenities.

D. **Coastal-Oriented Commercial, Arts, and Recreation (CO-CAR) Zone.** The Coastal-Oriented Commercial, Arts, and Recreation (CO-CAR) Zone strives to achieve balanced use of the City's Waterfront and maintain the small scale, local character that is unique to the Waterfront area. Land uses shall be encouraged in this zone that maintain and enhance the desirability of the Waterfront as a place to work, visit, and live. This zone is intended to foster a vital, mixed-use neighborhood and preserve and protect the coastal environment in terms of light, air, and visual amenities. Land classified in the CO-CAR Zone may also be classified in the Coastal-Oriented Hotel and Visitor-Serving (CO-HV) Zone.

E. **Coastal-Oriented Manufacturing Industrial (CO-MI) Zone.** The Coastal-Oriented Manufacturing Industrial (CO-MI) Zone strives to provide for appropriate coastal-dependent and coastal-related industrial uses in close proximity to the Harbor/Wharf Complex. The zone encourages the establishment of coastal-oriented industrial uses in keeping with the policies of the California Coastal Act and the City's Local Coastal Plan.

30.35.020 Land Use Regulations

Table 30.35.020 and the subsections that follow prescribe the land use regulations for Coastal-Oriented Zones.

Use classifications are defined in Chapter 30.295, Use Classifications. In cases where a specific land use or activity is not defined, the Director shall assign the land use or activity to a classification that is substantially similar in character. Use classifications and subclassifications not listed in the table or not found to be substantially similar to the uses below are prohibited.

The table also notes additional use regulations that apply to various uses. Numbers in parentheses refer to specific limitations listed at the end of the table. Section numbers in the right-hand column refer to other sections of this Title.

TABLE 30.35.020: LAND USE REGULATIONS–COASTAL-ORIENTED ZONES

"A" Allowed Use | *"–" Use Not Allowed*
"PSP" Performance Standard Permit Required | *"(#)" Specific Limitations at the end of the table*
"CUP" Conditional Use Permit Required

Use Classification	*CO-HR*	*CO-HV*	*CO-H*	*CO-CAR*	*CO-MI*	*Additional Regulations*
Residential Uses						
Residential Uses	–	A	–	A	–	§30.185.360, Residential Uses in the CO-HV and CO-CAR Zones §30.185.040, Accessory Dwelling Unit
Public and Semi-Public Uses						
College and Trade School	–	–	–	A(1)	–	
Community Assembly	CUP	CUP	CUP(2)	CUP	–	
Cultural Institution	–	A	A(2)	A	–	
Harbor, Port, and Marina Facilities	–	–	A	–	–	
Instructional Services	–	–	–	A	–	
Park and Recreation Facilities	–	–	–	A	–	§30.185.350, Recreation Facilities
Public Facility	–	–	A(3)	A(3)	CUP	
Commercial Uses						
Aquaculture Facilities	–	–	–	A	–	
Artist Studio	–	–	–	A	–	
Automobile/Vehicle Sales and Services						
Automobile/Vehicle Rentals	–	A/CUP (4)	A(4)	A/CUP(4)	A(4)	

TABLE 30.35.020: LAND USE REGULATIONS–COASTAL-ORIENTED ZONES						
"A" Allowed Use *"PSP" Performance Standard Permit Required* *"CUP" Conditional Use Permit Required*			*"–" Use Not Allowed* *"(#)" Specific Limitations at the end of the table*			
Use Classification	*CO-HR*	*CO-HV*	*CO-H*	*CO-CAR*	*CO-MI*	*Additional Regulations*
Automobile/Vehicle Sales and Leasing	–	A(5)	A(2,5)	A(5)	A(5)	
Fueling Station	–	CUP(6)	PSP(3)	CUP	CUP	§30.185.090, Automobile/Vehicle Fueling Stations or Car Washing Facilities
Service and Repair, Minor	–	–	A(5)	A(5)	A(5)	
Business Services	–	–	–	A(7)	–	
Commercial Entertainment and Recreation						
Small-scale	–	–	–	A	–	
Eating and Drinking Establishments	A(6)	A	A(2)	A	–	
Hotels and Similar Uses	A	A	–	CUP	–	§30.185.220, Hotels and Similar Uses
Maintenance and Repair Services	–	–	A(5)	A(5)	A(5)	
Offices						
Business and Professional	–	CUP(8)	A(2,9)	A(9)	–	
Parking, Public or Private	–	A	A	A	A	
Retail Sales						
Food and Beverage Sales	–	A(6,10)	A(2,10)	A(10)	–	
General Retail	–	A(11)	A(2,11)	A(11)	–	
Industrial Uses						
Automobile and Vehicle Repair, Major	–	–	A(5)	A(5)	A(5)/ CUP	
Custom Manufacturing	–	–	–	A	A(5)/ CUP	
Food and Beverage Manufacturing	–	–	PSP(12)	PSP(12)	PSP(12)	§30.185.380, Seafood Odor Control
Hazardous Waste Management Facility	–	–	–	–	CUP	Chapter 30.55, Hazardous Waste Management Facility (HWMF) Overlay Zone
Household Hazardous Waste Collection Facility	–	–	A(13)	–	A	

TABLE 30.35.020: LAND USE REGULATIONS–COASTAL-ORIENTED ZONES						
"A" Allowed Use *"PSP" Performance Standard Permit Required* *"CUP" Conditional Use Permit Required*			*"–" Use Not Allowed* *"(#)" Specific Limitations at the end of the table*			
Use Classification	*CO-HR*	*CO-HV*	*CO-H*	*CO-CAR*	*CO-MI*	*Additional Regulations*
Industry, Limited	–	–	A(5)	A(5)	A(5)/ CUP	
Research and Development	–	–	–	A(3)	A(3)/ CUP	
Warehousing and Storage	–	–	A(5)	A(5)	A(5)/ CUP	§30.185.310, Outdoor Storage
Transportation, Communication, and Utilities Uses						
Public Works and Utilities	–	–	–	–	CUP	
Other Applicable Types						
Accessory Uses and Buildings	A	A	A	A	A	§30.185.030, Accessory Uses and §30.140.020, Accessory Buildings
Animal Keeping	–	A	–	A	–	§30.185.210, Horse Keeping and SBMC 6.08, Care and Keeping of Animals
Cannabis Cultivation	§30.185.110, Cannabis Cultivation					
Mixed-Use Development	Mixed-Use Development is allowed subject to the regulations of the specific uses and applicable zone and permit requirements for any individual use or component of the project.					
Mobilehome	§30.185.270, Mobilehomes, Recreational Vehicles, and Modular Units, Individual Use; and §30.185.420 Temporary Uses					
Nonconforming Use	Chapter 30.165, Nonconforming Uses, Site Development, and Uses					
Solar Energy Systems	§30.140.100.C.8, Solar Energy Systems, and §30.185.400, Solar Energy Systems					
Temporary Use	§30.185.420, Temporary Uses					

Specific Limitations:

1. Limited to schools for the arts or coastal-oriented education facilities.
2. Limited to Stearns Wharf or as secondary harbor uses.
3. Limited to marine-related facilities
4. Allowed if boat, boat trailer, or personal watercraft rental, CUP for automobile rental in the CO-HV and CO-CAR Zones only.
5. Limited to boats, personal watercraft, and marine-related equipment, CUP in the CO-MI Zone for other uses allowed in the M-I
6. Food and Beverage Sales, Eating and Drinking Establishments-Convenience, and Fueling Stations are not allowed 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

TABLE 30.35.020: LAND USE REGULATIONS–COASTAL-ORIENTED ZONES						
"A" Allowed Use *"PSP" Performance Standard Permit Required* *"CUP" Conditional Use Permit Required*				*"–" Use Not Allowed* *"(#)" Specific Limitations at the end of the table*		
Use Classification	*CO-HR*	*CO-HV*	*CO-H*	*CO-CAR*	*CO-MI*	*Additional Regulations*
habitat character and aesthetics of the Andree Clark Bird Refuge, except that Food and Beverage Sales are allowed as an accessory use. 7. Limited to printing and copying, blueprint services, advertising and mailing, photo finishing, model building, and publishing. 8. Limited to the second and third floors of commercial structures and where the Review Authority makes the required findings pursuant to Subsection B, below. 9. Limited to offices of businesses or persons engaged in coastal-related activities. 10. Limited to 2,500 square feet of floor area per lot. 11. Limited to uses that are primarily coastal-related, coastal-dependent, visitor-serving, or of a commercial recreational nature specific to the Coastal Zone such as bait and tackle shops, marine supply and related equipment sales, specialty and gift shops, and bicycle, roller skating, moped, dive gear, surfing, and other recreational equipment rental stores. 12. Limited to seafood facilities. 13. Allowed as a secondary harbor use only when limited to facilities exclusively serving the area within the CO-H Zone.						

A. **Dual Zoning: CO-HV and CO-CAR.** The land uses allowances within the CO-HV Zone and the CO-CAR Zone apply within the dual CO-CAR/CO-HV Zone.

B. **Additional Land Use Regulations: CO-HV Zone.**

1. ***Required Findings for Business and Professional Offices.*** Business and Professional Offices may only be allowed where the Review Authority finds that:

   a. The use is compatible with visitor-serving uses;

   b. Visitor-serving uses remain the primary use of the structure; and

   c. Non-visitor-serving uses do not exceed 50 percent of the total square footage of the structure.

2. ***Other Allowed Uses in the CO-HV Zone.*** Other visitor-serving or commercial recreational uses deemed appropriate by the Planning Commission are allowed in the CO-HV Zone.

C. **Additional Land Use Regulations: CO-H Zone.**

1. ***Other Allowed Uses and Development in the CO-H Zone.*** The following uses and development are allowed in the CO-H Zone.

   a. *Primary Harbor Uses:* Other coastal-dependent uses as deemed appropriate by the Planning Commission.

b. *Secondary Harbor Uses:* Other coastal-related uses as deemed appropriate by the Planning Commission.

c. *Stearns Wharf Uses:* Other coastal-dependent, coastal-related, and visitor-serving uses as deemed appropriate by the Planning Commission.

2. ***Five Year Review of Uses.*** At least once every five 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 CO-H Zone and make a recommendation to the Planning Commission regarding the adequacy of coastal-dependent uses (Harbor primary uses) in relation to coastal-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 year intervals thereafter. The Coastal Commission shall receive a copy of the recommendation and accompanying background materials associated with each review.

D. **Additional Land Use Regulations: CO-CAR Zone.** Other coastal-dependent, coastal-oriented, commercial recreational, or arts-related uses that are found to be consistent with the intent of the CO-CAR Zone by the Planning Commission are allowed in the CO-CAR Zone.

E. **Additional Land Use Regulations: CO-MI Zone.** The following uses and development are allowed in the CO-MI Zone.

1. Other coastal-related uses deemed appropriate by the Planning Commission.

2. Any other use permitted in the M-I Zone subject to the restrictions and limitations contained therein and issuance of a Conditional Use Permit. A Conditional Use Permit may be granted in accordance with the provisions of Chapter 30.215, Conditional Use Permits, subject to the following additional findings:

a. The use is compatible with coastal-dependent or coastal-related uses; and

b. The property would have no feasible economic value if limited to coastal-dependent or coastal-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 coastal-dependent or coastal-related uses.

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

30.35.030 Development Standards

Table 30.35.030 prescribes the development standards for Coastal-Oriented Zones. Section numbers refer to other sections of this Title. Additional regulations that apply throughout the City are located in Division III, Citywide Regulations.

TABLE 30.35.030: DEVELOPMENT STANDARDS–COASTAL-ORIENTED ZONES					
Zone	*CO-HR*	*CO-HV*	*CO-H*	*CO-CAR [CO-HV/CO-CAR(A)]*	*CO-MI*
Lot Size and Street Frontage					
Minimum Net Lot Area for Newly Created Lots (sq. ft.)	None	Lots that include residential uses: 3,500 Otherwise: None	None	Lots that include residential uses: 3,500 Otherwise: None	None
Minimum Public Street Frontage	None	Structures and portions of structures used for residential purposes: Same as R-M Zone Otherwise: None	None	Structures and portions of structures used for residential purposes: Same as R-M Zone Otherwise: None	None
	See §30.140.190, Street Frontage and Access; and §30.140.130, Location of Lot Lines				
Residential Density					
Maximum Base Residential Density	N/A	Structures and portions of structures used for residential purposes: Same as R-M Zone Otherwise: N/A	N/A	Structures and portions of structures used for residential purposes: Same as R-M Zone Otherwise: N/A	N/A
Additional Density Allowances	N/A		N/A		N/A
Structure Form and Location					
Maximum Height (ft.)	45; 30 when located in the area bounded by Cabrillo Boulevard on the southeast, Los Patos Way on the		30	45	Same as MI Zone

TABLE 30.35.030: DEVELOPMENT STANDARDS–COASTAL-ORIENTED ZONES					
Zone	*CO-HR*	*CO-HV*	*CO-H*	*CO-CAR [CO-HV/CO-CAR(A)]*	*CO-MI*
	southwest and the existing railroad right-of-way on the north				
Adjacent to RS or R-2 Zone	N/A	N/A	N/A	N/A	Same as MI Zone
Additional Height Limitations Adjacent to all Residential Zones	Height is further limited in accordance with §30.140.180, Solar Access Height Limitations				
Minimum Setbacks (ft.)	See also §30.140.100, Encroachments into Setbacks and Open Yards See Chapter 30.150, Average Unit-Size Density Incentive Program				
Front	Portions of structures 15 feet or less: 10 Portions of structures more than 15 feet in height: 20; 100 when located 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		None	Residential only development: Same as R-M Zone Otherwise: None	None
Interior, Adjacent to a Nonresidential Zone	None		None	Residential only development: Same as R-M Zone Otherwise: None	None
Interior, Adjacent to a Residential Zone	Residential structures, and the residential portions of mixed-use development: Same as R-M Zone Nonresidential structures and the nonresidential portions of any structure in a mixed-use development, 30 feet in height or less: 15 Nonresidential structures, and the nonresidential portion of any structure in a mixed-use development, more than 30 feet in height: 20		None	Residential only development: Same as R-M Zone Otherwise: None	None

TABLE 30.35.030: DEVELOPMENT STANDARDS–COASTAL-ORIENTED ZONES					
Zone	*CO-HR*	*CO-HV*	*CO-H*	*CO-CAR [CO-HV/CO-CAR(A)]*	*CO-MI*
	Portions of structures used by both the residential and nonresidential uses are subject to the setback requirement for nonresidential structures.				
Uncovered Parking	See §30.175.060, Location of Required Automobile and Bicycle Parking				
Open Yard					
Open Yards	Any lot developed with residential uses shall provide open yard pursuant to §30.140.150, Open Yards. See Chapter 30.150, Average Unit-Size Density Incentive Program				

A. **Dual Zoning: CO-HV and CO-CAR.** The CO-CAR Zone development standards shall apply to all development projects on land with a dual CO-HV/CO-CAR zoning designation.

Chapter 30.40 Park and Recreation (P-R) Zone

Sections:

30.40.010 Purpose
30.40.020 Park and Recreation Categories
30.40.030 Land Use Regulations
30.40.040 Development Standards
30.40.050 Review Procedures

30.40.010 Purpose

The specific purposes of the Park and Recreation (P-R) Zone are to:

A. Protect and preserve publicly owned park and beach lands for the benefit and enjoyment of present and future generations of resident and visitors.

B. Promote uses of park lands which are compatible with surrounding land uses and encourage the protection of the City's open space through conservation and appropriate development.

C. Establish categories of park and recreation facilities or land.

D. Establish an appropriate system of review for proposed uses, improvements or development.

E. Maintain and protect neighborhoods that are adjacent to parks and recreation facilities, while providing for the appropriate types or intensity of land use of parks and recreation facilities, for the benefit of the community.

30.40.020 Park and Recreation Categories

A. **Designation of Parks by Category.** The City Council shall adopt a resolution that designates or assigns all City parks and recreation facilities to one of the categories listed in Subsection 30.40.020.B, Park and Recreation Categories. In addition, the resolution shall include an exhibit that summarizes review and approval procedures for park and recreation facility uses.

1. ***Future Facilities.*** In the future, if a new facility is proposed to be designated or an existing facility assigned to another category, the Parks and Recreation Commission and Planning Commission shall make a recommendation on such a designation to the City Council. The City Council shall hold a noticed public hearing prior to making a decision on the proposed category designation and amending said resolution.

B. **Park and Recreation Categories.** The following categories of park and recreation facilities reflect the diversity of such facilities within the community. Parks and recreation facilities with similar use characteristics have been grouped into the following categories to establish an orderly system of inventory and allowed uses within the respective categories and to make property owners aware of the uses allowed in such nearby facilities.

1. ***Undeveloped Parkland.*** The future use of these undeveloped parklands has not been determined. These are properties that the City owns that may or may not be appropriate for parks or recreation use.
2. ***Open Space.*** This land is intended to be protected and managed as a natural environment with passive recreation usage and minimal development.
3. ***Passive Park.*** These are developed parks of natural, cultural or ornamental quality suited to passive outdoor recreation such as bird watching, walking and picnicking.
4. ***Neighborhood Park.*** These are small parks that typically serve a limited geographic area and nearby population.
5. ***Beach.*** These are areas that provide access to the ocean and sand areas for passive and active recreation.
6. ***Community Park.*** These multi-use parks are usually larger than Neighborhood Parks. These are parks where special, pre-arranged activities and special events and functions occur. These are specialized facilities that serve a concentrated or limited population or specific group from a wide geographic area of the City.
7. ***Sports Facilities.*** These are outdoor facilities where active recreational activities and organized sports and tournaments occur and which may include related structures and parking areas.
8. ***Community Buildings.*** These are indoor facilities where active recreational activities and organized sports and tournaments, meetings and gatherings and other community oriented activities occur. Community Buildings may also include related parking and grounds.
9. ***Regional Park.*** These are facilities where major organized events occur that draw people from throughout the region. They may also include areas of diverse environmental, cultural, educational or scientific quality with a variety of opportunities for both passive and active recreation activities.

30.40.030 Land Use Regulations

Table 30.40.030: Categories of Parks and Recreation Facilities and Allowed Improvements/Uses, prescribes the uses and improvements allowed in the park and recreation categories defined in Section 30.40.020, Park and Recreation Categories. Additional use and improvement allowances follow the table.

In cases where a specific use or improvement is not defined, the Community Development Director shall determine if the improvement is allowed or whether the park or recreation facility would be required to move to another category. Uses and improvements not found to be substantially similar to those listed are prohibited.

Determinations as to whether a use or a change in the intensity of use is allowed in a particular park category and the appropriate review process shall be made by the Community Development Director.

TABLE 30.40.030: CATEGORIES OF PARKS AND RECREATION FACILITIES AND ALLOWED IMPROVEMENTS/USES

"A" Allowed with Parks and Recreation Staff Review
"PC" Planning Commission Review
"–" Not Allowed
"PRC" Parks and Recreation Commission Review, Public Hearing
"PRC–N" Parks and Recreation Commission Review, Noticed Public Hearing

Allowed Improvements/Uses	*Category of Park*								
	Undeveloped	*Open Space*	*Passive Park*	*Neighborhood Park*	*Beach*	*Community Park (~~3~~4)*	*Sports Facilities*	*Community Buildings*	*Regional Park (~~2~~, 3, 4)*
Trails	A	A	A	A	A	A	A	–	A
Minor Buildings (1)	–	PRC	PRC	PRC	PRC	PRC	PRC	PRC	PRC
Community Buildings (~~1~~2)	–	PRC–N & PC	PRC–N & PC	PRC–N & PC	PRC–N & PC	PRC–N & PC	PRC–N & PC	PRC–N & PC	PRC–N & PC
Meeting Rooms									
Small (≤ 75 people)	–	–	–	PRC	–	PRC	–	PRC	PRC
Large (>75 people)	–	–	–	–	–	PRC–N	–	PRC–N	PRC–N
Outdoor Game Areas and Informal Ball Fields and Courts	–	–	–	PRC	PRC	PRC	PRC	–	PRC
Formal Ball Fields and Courts	–	–	–	–	–	–	PRC–N & PC	PRC–N & PC	PRC–N& PC
Swimming Pools									
Wading	–	–	–	PRC–N & PC	–	PRC–N & PC	PRC–N & PC	PRC–N & PC	PRC–N & PC
Swimming	–	–	–	–	–	–	PRC–N & PC	PRC–N & PC	PRC–N &PC
Playgrounds									
Small (Up to 4,000 SF)	–	–	–	PRC	PRC	PRC	PRC	–	PRC
Large (> 4,000 SF)	–	–	–	–	PRC–N	PRC–N	PRC–N	–	PRC–N
Picnic Areas									
Individual	A	A	A	A	A	A	A	–	A
Small Group (up to 4 tables together)	–	–	–	A	A	A	A	–	A

TABLE 30.40.030: CATEGORIES OF PARKS AND RECREATION FACILITIES AND ALLOWED IMPROVEMENTS/USES

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Allowed Improvements/Uses	*Category of Park*								
	Undeveloped	*Open Space*	*Passive Park*	*Neighborhood Park*	*Beach*	*Community Park (~~3~~4)*	*Sports Facilities*	*Community Buildings*	*Regional Park (~~2~~,3,4)*
Large Group	–	–	–	–	PRC–N	PRC–N	PRC–N	–	PRC–N
Community Gardens	–	–	–	PRC–N	–	PRC–N	–	–	PRC–N
Child Care Centers	–	–	–	PRC–N	–	PRC–N	–	PRC–N	PRC–N
Carousels and similar amusements	–	–	–	–	–	PRC–N	–	–	PRC–N
Day Camps	–	A	A	A	A	A	A	A	A
Concessions	–	–	–	–	–	PRC–N	PRC–N	PRC–N	PRC–N
Parking Area									
Informal (not paved)	A	A	A	A	A	A	A	A	A
Small Formal (≤10 spaces)	–	PRC	PRC	PRC	PRC	PRC	PRC	PRC	PRC
Formal (> 10 spaces)	–	–	PRC–N	PRC–N	PRC–N	PRC–N	PRC–N	PRC–N	PRC–N
Lighting – General	–	PRC	PRC	PRC	PRC	PRC	PRC	PRC	PRC
Ball Field Lighting	–	–	–	–	–	–	PRC–N	–	PRC–N
Miscellaneous									
Artwork or Memorial	–	–	PRC	PRC	PRC	PRC	PRC	PRC	PRC
Shade Structure	–	–	PRC	PRC	PRC	PRC	PRC	PRC	PRC

Specific Limitations

1. Parks and Recreation Commission review is not required for temporary restrooms.

~~1~~2. A noticed public hearing shall be required for additions to or new community buildings that may have the potential to impact the surrounding neighborhood due to a change in the intensity of use resulting in traffic, noise or lighting impacts. Planning Commission review is also required.

~~2~~3. Zoological gardens that are classified as a Regional Park are also allowed to include the following uses: animal exhibits/habitats and related animal care, medical and holding areas for animals, class rooms including indoor educational exhibit space, gift shops, restaurants, snack bars and administrative offices and service facilities related to zoological garden operations.

~~3~~4. Outdoor performance areas, including band shells and amphitheaters, existing or approved prior to June 30, 1995, are allowed uses and may be maintained and improved without a Conditional Use Permit as long as no expansion in seating occurs and no improvements occur which allow amplified music where it did not previously

TABLE 30.40.030: CATEGORIES OF PARKS AND RECREATION FACILITIES AND ALLOWED IMPROVEMENTS/USES

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Allowed Improvements/Uses	*Category of Park*								
	Undeveloped	*Open Space*	*Passive Park*	*Neighborhood Park*	*Beach*	*Community Park (~~3~~4)*	*Sports Facilities*	*Community Buildings*	*Regional Park (~~2~~–3, 4)*
exist. Future outdoor performance areas and expansions of existing ones may be allowed in Community and Regional Parks, subject to issuance of a Conditional Use Permit.									

30.40.040 Development Standards

A. **Setbacks.** The following setbacks shall apply to parking areas, buildings, structures, outdoor game areas, playground equipment and formal/informal ball fields:

1. ***Front Setback.*** The required front setback shall be the same as that specified for the Residential Zone of the property on the abutting parcels on each side of the subject property. Where the setbacks on the abutting parcels are different from each other, the front setback shall be the least restrictive residential setback of the abutting zones. In the event the park property is bounded by a street, the front setback shall be the same as the least restrictive front setback on the adjacent properties on the same side of the street. In no case shall the front setback be less than 10 feet.

2. ***Interior and Rear Setbacks.*** There shall be interior and rear setbacks of not less than 10 feet.

B. **Location of Play Areas.** Outdoor playgrounds and informal ball fields and courts shall be located in a manner that is compatible with the character of the surrounding area and that minimizes significant detrimental noise impacts to adjacent properties while promoting visibility and safety.

C. **Lighting.** All exterior lighting shall be directed such that it will not cast light or glare onto adjacent properties. Any lighting shall be hooded or shielded so that no direct beams fall upon adjacent residential property. Indirect diffused lights and low garden lights shall be used wherever possible and shall be required as necessary to assure compatibility with adjacent and surrounding properties.

30.40.050 Review Procedures

A. **Public Notice.** Public notice of hearings by the Planning Commission or the Parks and Recreation Commission shall be given as specified in Chapter 30.205, Common Procedures, except as provided below:

1. ***Posted Notice Required.*** Public notice shall also be posted at all park entrances and along adjacent streets at a spacing interval of 150 feet.

2. ***Mailed Notice Radius for Existing Facilities.*** If the proposed project involves changes to any existing park or recreation facility, mailed notice shall be provided to all property owners closer than 100 feet of the park or recreation facility property.

B. **Required Findings.** A project in the Park and Recreation Zone may only be approved if the Review Authority makes all of the following findings:

1. That the proposed park and recreation improvements are appropriate or necessary for the benefit of the community and visitors;

2. That the proposed park and recreation facilities including lighting, play areas, parking facilities and associated landscaping, will be compatible with the character of the neighborhood;

3. That the total area of the site and the setbacks of all facilities from the property lines and street are sufficient, in view of the physical character of the land, proposed development and neighborhood, to avoid significant negative effects on surrounding properties;

4. That the intensity of park use is appropriate and compatible with the character of the neighborhood;

5. That the proposed park and recreation facilities are compatible with the scenic character of the City; and

6. That any proposed structures or buildings are compatible with the neighborhood in terms of size, bulk and scale or location.

C. **Appeals.** Decisions by the Park and Recreation Commission or the Planning Commission on park and recreation facilities are appealable to the City Council pursuant to Santa Barbara Municipal Code Section 1.30.050, Appeals from Administrative Decisions. Public notice of the appeal hearing shall be provided as required for the original consideration of the project.

Part 2: Overlay Zones

Chapter 30.45 Auto, Commercial, and Services (ACS) Overlay Zone

Sections:

30.45.010 Purpose
30.45.020 Applicability
30.45.030 Land Use Regulations
30.45.040 Development Standards
30.45.050 Procedures
30.45.060 Project Review

30.45.010 Purpose

The Auto, Commercial, and Services (ACS) Overlay Zone is intended to provide areas for auto related uses, including the sales of new automobiles and vehicles, as well as commercial and service uses in planned centers. Uses and restrictions other than those contained in other zone districts may be appropriate due to one or more of the following circumstances: unusual topographic conditions; proximity to public parks, buildings, major traffic corridors, bodies of water, watercourses, open spaces, and other similar improvements or land features; disparity between adjacent zoning district warranting special features to protect the more restrictive district; or the suitability of a special or unique land use.

30.45.020 Applicability

The provisions of this Chapter apply to properties located within or proposed to be located within the ACS Overlay Zone mapped on the Official Zoning Map.

30.45.030 Land Use Regulations

In addition to the uses allowed in the applicable base zone, the following uses are permitted:

A. **Public and Semi-Public Uses.**

1. College and Trade School
2. Community Assembly
3. Cultural Institutions
4. Hospitals
5. Instructional Services
6. Public Facilities
7. Schools

B. **Commercial Uses.**

1. Automobile/Vehicle Sales and Services
2. Banks and Financial Institutions
3. Commercial Entertainment and Recreation
4. Eating and Drinking Establishments
5. Hotels and Similar Uses
6. Offices, Business and Professional
7. Parking, Public or Private

C. **Industrial Uses.**

1. Automobile and Vehicle Repair, Major, conducted entirely within an enclosed building
2. Commercial Vehicle and Equipment Sales and Rental
3. Research and Development
4. Warehousing and Storage
   a. Outdoor Storage for recreational vehicles
   b. Personal Storage

30.45.040 Development Standards

A. **Required Front Setback**. All structures and parking shall be set back from front lot lines a minimum of 10 feet.

B. **Maximum Height.** Structures shall not exceed 45 feet in height.

C. **Parking.** Parking shall be provided pursuant to Chapter 30.175, Parking Regulations.

D. **Other Development Standards.** Other development standards, including but not limited to, interior setbacks, lot coverage, lot area, street frontage, hours and manner of operation, lighting, and landscaping, shall be as prescribed by the Conditional Use Permit approved with the ACS Overlay ~~District~~Zone.

30.45.050 Procedures

A. **Permits Required.**

1. ***Zoning Amendment.*** An application for a classification as an ACS Overlay Zone shall be processed as an amendment to the Zoning Map, according to the procedures of Chapter 30.235, General Plan and Zoning Amendments.
2. ***Conditional Use Permit.*** An application for a Conditional Use Permit shall be accepted and processed pursuant to Chapter 30.215, Conditional Use Permits, for development within the proposed ACS Overlay Zone.

B. **Expiration.** A Conditional Use Permit associated with the ACS Overlay Zone shall be effective on the same date as the ordinance creating the ACS Overlay Zone for

which it was approved and shall expire four years after the effective date unless actions specified in the conditions of approval have been taken, a building permit has been issued and construction diligently pursued, or a time extension pursuant to Section 30.205.120, Expiration of Permits, has been approved. An approved Conditional Use Permit may specify a development staging program exceeding four years.

30.45.060 Project Review

Development in the ACS Overlay Zone shall be reviewed for consistency with an approved permit and any conditions of approval. No development may be approved and no building permit issued unless the project is consistent with an approved permit and any conditions of approval.

Chapter 30.50 Coastal (CZ) Overlay Zone

Sections:

30.50.010 Purpose
30.50.020 Applicability
30.50.030 Appealable Determination
30.50.040 Permit Required
30.50.050 Exclusions and Exemptions
30.50.060 Development Within Coastal Commission Permit Jurisdiction
30.50.070 Supplemental Regulations

30.50.010 Purpose

The Coastal (CZ) Overlay Zone is established for the purpose of implementing the Coastal Act of 1976 (Division 20 of the California Public Resources Code) and to ensure that all public and private development in the Coastal Zone of the City of Santa Barbara is consistent with the City's Certified Local Coastal Program and the Coastal Act.

30.50.020 Applicability

The CZ Overlay Zone is applied to the "Coastal Zone" which is generally defined as land closer than 1,000 yards from the mean high tide line as established by the Coastal Act which lies within the City of Santa Barbara (including the Santa Barbara Airport), as shown on the Post-LCP Certification Permit and Appeal Jurisdiction Map, City of Santa Barbara.

A. Any person (including the City, any utility, state or local government, or special district or any agency thereof) wishing to perform or undertake any development within the Coastal Zone of the City of Santa Barbara shall comply with the provisions of this Chapter.

B. If there is a conflict between a provision of the City of Santa Barbara Local Coastal Program (including the Land Use Plan and the Coastal Overlay Zone Ordinance) and a provision of the General Plan or any other City-adopted plan, resolution or ordinance not included in the City of Santa Barbara Local Coastal Program, and it is not possible for the proposed development to comply with both the Local Coastal Program and such other plan, resolution or ordinance, the Local Coastal Program shall take precedence and the development shall not be approved unless it complies with the Local Coastal Program provision.

30.50.030 Appealable Determination

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

1. Within an area where the Coastal Commission exercises original permit jurisdiction;

2. Categorically excluded or otherwise exempt from the provisions of this Chapter;

3. Appealable to the Coastal Commission; or

4. Non-appealable to the Coastal Commission.

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

1. Developments between the sea and the first public road paralleling the sea or closer than 300 feet of the inland extent of any beach or of the mean high tideline of the sea where there is no beach, whichever is the greater distance.

2. Developments that are located on tidelands, submerged lands, public trust lands, closer than 100 feet of any wetland, estuary, or stream, or closer than 300 feet of the top of the seaward face of any coastal bluff.

3. Developments located in a sensitive coastal resource area.

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

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

C. **Challenge of Determination.**

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

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

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

30.50.040 Permit Required

In addition to any other required permits or approvals, a Coastal Development Permit pursuant to Section 30.210.030, Coastal Development Permit, shall be required prior to commencement of any development in the CZ Overlay Zone unless specifically excluded or exempted pursuant to Section 30.50.050, Exclusions and Exemptions, or conducted pursuant to an Emergency Permit in accordance with Section 30.210.040, Emergency Permits.

30.50.050 Exclusions and Exemptions

A. **Exclusions Pursuant to Exclusions Order**. The following categories of development are categorically excluded from the Coastal Development Permit requirements of this Title pursuant to Categorical Exclusion Order E-86-03 as amended by Categorical Exclusion Order E-06-1 and certified by the California Coastal Commission:

1. ***Time-Share Conversion Exclusion.*** Any activity anywhere in the Coastal Zone that involves the conversion of any existing multiple-unit residential structure to a time-share project, estate, or use, as defined in Section 11212 of the Business and Professions Code. If any improvement to an existing structure is otherwise exempt from the permit requirements of this division, no Coastal Development Permit shall be required for that improvement on the basis that it is to be made in connection with any conversion exempt pursuant to this subdivision. The division of a multiple-unit residential structure into condominiums, as defined in Section 783 of the Civil Code, shall not be considered a time-share project, estate, or use for purposes of this subdivision.

2. ***Vested Rights Exclusion.*** Any development which has a valid approval from the Coastal Commission shall be considered to have a vested right until such time as said approval expires or lapses; provided, however, that no substantial change may be made in any such development without prior Coastal Commission and City approval having been obtained by the developer.

3. ***Single Unit Residence Exclusions.***

   a. Construction of one single unit residence on an existing vacant parcel in the area designated as Non-Appealable on the Post-LCP Certification Permit and Appeal Jurisdiction Map, City of Santa Barbara.

   b. Demolition and reconstruction of an existing single unit residence in the area designated as Non-Appealable on the Post-LCP Certification Permit and Appeal Jurisdiction Map, City of Santa Barbara. Notwithstanding the exclusion specified in this paragraph, a Coastal Development Permit shall be required if an application for demolition and reconstruction of an existing single unit residence is submitted for a lot that:

i. Contains a City Landmark or Structure of Merit,

ii. Contains or is closer than 100 feet of archeological or paleontological resources, or

iii. Contains or is closer than 100 feet of an environmentally sensitive habitat area, stream, wetland, marsh, or estuary, regardless of whether such resources are mapped or unmapped.

B. **Exemptions Pursuant to State Law.** The following categories of development are exempt from the Coastal Development Permit requirements of this Title pursuant to Section 30610 of the Public Resource Code and Sections 13250-13253 of Title 14 of the California Administrative Code.

1. ***Single Unit Residence Exemption.*** Improvements to existing single unit residences; provided, however, that those improvements which involve a risk of adverse environmental effect shall require a Coastal Development Permit, as provided in Section 13250 of Title 14 of the California Administrative Code, as amended from time to time.

2. ***Other Construction Exemption.*** Improvements to any structure other than a single unit residence or a public works facility; provided, however, that those improvements which involve a risk of adverse environmental effect; or adversely affect public access; or result in a change in use contrary to any policy of the Coastal Act; shall require a Coastal Development Permit, as provided in Section 13253 of Title 14 of the California Administrative Code, as amended from time to time.

3. ***Maintenance of Navigation Channel Exemption.*** Maintenance dredging of existing navigation channels or moving dredged material from such channels to a disposal area outside the Coastal Zone, pursuant to a permit from the United States Army Corps of Engineers.

4. ***Repair or Maintenance Exemption.*** Repair or maintenance activities that do not result in an addition to, or enlargement or expansion of the object of such repair or maintenance activity; provided, however, that extraordinary methods of repair and maintenance that involve a risk of substantial adverse environmental impact shall require a Coastal Development Permit, as provided in Section 13252 of Title 14 of the California Administrative Code, as amended from time to time.

5. ***Utility Connections Exemption.*** The installation, testing and placement in service or the replacement of any necessary utility connection between an existing service facility and any development approved pursuant to the California Coastal Act of 1976 and this Chapter, provided that the Community Development Director may, where necessary, require reasonable conditions to mitigate any adverse impacts on coastal resources, including scenic resources.

6. ***Replacement of Existing Structures Destroyed by Natural Disaster Exemption.*** The replacement of any structure, other than a public works facility, destroyed by a disaster. The replacement structure shall conform to applicable existing zoning requirements, shall be for the same use as the destroyed structure, shall not exceed either the floor area, height, or bulk of the destroyed structure by more than 10 percent, and shall be sited in the same location on the affected property as the destroyed structure.

   a. "Disaster" means any situation in which the force or forces which destroyed the structure to be replaced were beyond the control of its owner.

   b. "Bulk" means total interior cubic volume as measured from the exterior surface of the structure.

   c. "Structure" includes landscaping and any erosion control structure or device which is similar to that which existed prior to the occurrence of the disaster.

7. ***Temporary Event Exemption.***

   a. *Temporary Event.* A temporary event is an activity or use that constitutes development as defined in Section 30106 of the California Coastal Act; and is an activity or function of limited duration; and involves the placement of non-permanent structures; or involves exclusive use of a sandy beach, parkland, filled tidelands, water, streets or parking area which is otherwise open and available for general public use.

      i. Exclusive Use. A use that precludes public uses in the area of the temporary event for recreation, beach access or access to coastal waters other than for or through the temporary event itself.

      ii. Limited Duration. A period of time that does not exceed a two-week period on a continual basis, or does not exceed a consecutive four-month period on an intermittent basis.

      iii. Non-permanent Structure(s). Include, but are not limited to, bleachers, perimeter fencing, vendor tents/canopies, judging stands, trailers, portable toilets, sound/video equipment, stages, booths, platforms, movie/film sets, which do not involve grading or landform alteration for installation.

      iv. Coastal Resources. Include, but are not limited to, public access opportunities, visitor and recreational facilities, water-oriented activities, marine resources, biological resources, environmentally sensitive habitat areas, agricultural lands, and archaeological or paleontological resources.

      v. Sandy Beach Area. Includes publicly-owned and privately-owned sandy areas fronting on coastal waters, regardless of the

existence of potential prescriptive rights or a public trust interest.

b. *General Rule.* Every temporary event is exempted from the Coastal Development Permit requirements under this Title, unless the temporary event meets all of the following criteria and is not otherwise exempted pursuant to subparagraph c. below.

i. The event is to be held between Memorial Day weekend and Labor Day, inclusive; and,

ii. The event occupies all or a portion of a sandy beach area; and,

iii. The event involves a charge for general public admission or seating where no fee is currently charged for use of the same area (not including booth or entry fees).

c. *Other Exemptions.* The Community Development Director may also exempt a temporary event that satisfies all of the criteria specified in subparagraph b. above, if:

i. The fee is for preferred seating only and 75 percent of the provided seating capacity is available free of charge for general public use;

ii. The event is held on a sandy beach area in a remote location with minimal demand for public use, and there is no potential for adverse effect on sensitive coastal resources;

iii. The event is less than one day in duration; or,

iv. The event has previously received a Coastal Development Permit and will be held in the same location, at a similar season, and for a similar duration, with operating and environmental conditions substantially the same as those associated with the previously-approved event.

d. *Special Circumstances.* The Community Development Director, or the Planning Commission or City Council through direction to the Community Development Director, may determine that a temporary event shall require a Coastal Development Permit, even if the criteria specified in subparagraph b above are not met, if the Community Development Director determines that unique or changing circumstances exist relative to the particular temporary event that have the potential for significant adverse impacts on coastal resources. Such circumstances may include, but shall not be limited to, the following:

i. The event, either individually or together with other temporary events scheduled before or after the particular event, precludes the general public from use of a public recreational area for a significant period of time;

ii. The event and its associated activities or access requirements will either directly or indirectly impact environmentally sensitive habitat areas, rare or endangered species, significant scenic resources, or other coastal resources as defined in subparagraph a above;

iii. The event is scheduled between Memorial Day weekend and Labor Day and would restrict public use of roadways or parking areas or otherwise significantly impact public use or access to coastal waters; or

iv. The event has historically required a Coastal Development Permit to address and monitor associated impacts to coastal resources.

C. **Record of Categorical Exclusion Determinations.** The Community Development Department shall maintain a record of all determinations made which shall be made available to the Coastal Commission or any interested person upon request. This record must include the applicant's name, the location of the project, a brief description of the project, the site plan, the date upon which the determination was made, and all terms and conditions imposed by the City in granting its approval. Notice of each exclusion determination shall be made to the Coastal Commission within five working days of the determination by the Community Development Department. The City is not required to give the Coastal Commission notice of exemption determinations.

30.50.060 Development Within Coastal Commission Permit Jurisdiction

Development proposals which are located on lands identified as tidelands, submerged lands or public trust lands as identified on the Post-LCP Certification Permit and Appeal Jurisdiction Map, City of Santa Barbara, adopted by the Coastal Commission, shall, pursuant to the requirements of California Public Resources Code Section 30519(b), require a Coastal Permit from the Coastal Commission.

A. **Determination of Applicability.**

1. Upon submittal to the City of an application for a Coastal Development Permit, the Community Development Department shall determine if the development may be located on land identified as tidelands, submerged lands or public trust lands. Such determination shall be based upon maps and other descriptive information identifying such lands which the Coastal Commission or State Lands Commission may supply.

2. Upon a determination that the proposed coastal development involves such lands, the Community Development Department shall notify the applicant and the Coastal Commission of the determination that a State Coastal Permit is required for the development.

B. **Processing and Recommendation.** In conjunction with the City's review and decision on the development in accordance with the requirements of this Title and other City codes, the City shall also make a recommendation to the Coastal Commission regarding the development's conformance with the certified Local Coastal Program. The City's determination of development conformance with the objectives and requirements of the Local Coastal Program shall be advisory only and not a final action. Development shall not proceed until the Coastal Commission grants a Coastal Permit for such a development.

1. ***Planning Commission Recommendation***. If proposed development within the permit jurisdiction of the Coastal Commission requires discretionary review by the Planning Commission, the Planning Commission shall conduct a public hearing regarding the development's conformance with the certified Local Coastal Program. The public hearing shall be held concurrently with any other required public hearing or hearings for any other applications regarding the proposed development. Following approval of the development by the City, the Community Development Department shall forward the City approval, the application, supporting file documents and the City's recommendation regarding the issuance of the Coastal Development Permit to the Coastal Commission for its action on the Coastal Development Permit application.

2. ***Staff Hearing Officer Recommendation.*** If proposed development within the permit jurisdiction of the Coastal Commission requires discretionary review by the Staff Hearing Officer, the Staff Hearing Officer shall conduct a public hearing regarding development's conformance with the certified Local Coastal Program. The public hearing shall be held concurrently with any other required public hearing or hearings for any other applications regarding the proposed development. Following approval of the development by the City, the Community Development Department shall forward the City approval, the application, supporting file documents and the City's recommendation regarding the issuance of the Coastal Development Permit to the Coastal Commission for its action on the Coastal Development Permit application.

3. ***Community Development Department Recommendation.*** If the proposed development is within the permit jurisdiction of the Coastal Commission and does not require discretionary review by the Planning Commission or the Staff Hearing Officer, the Community Development Department shall review the proposed development's conformance with the certified Local Coastal Program and shall forward the application, supporting file documents and the Community Development Department's recommendation regarding the issuance of the Coastal Development Permit to the Coastal Commission for its action on the Coastal Development Permit application.

30.50.070 Supplemental Regulations

A. **Development Within the Goleta Slough**. Any development within the Goleta Slough Reserve Zone is required to obtain a Goleta Slough Coastal Development Permit pursuant to the provisions of Chapter 29.25, Goleta Slough Reserve Zone, of the Santa Barbara Municipal Code unless specifically exempted.

B. **Hazardous Waste Management Facilities**. Approval for construction or use of any off-site hazardous waste management facilities shall require preparation and approval of an amendment to the Local Coastal Program by the City Council and the California Coastal Commission. Such facilities shall also require approval of a change in zone to the HWMF Overlay Zone and any other required permits in accordance with this Title.

Chapter 30.55 Hazardous Waste Management Facility (HWMF) Overlay Zone

Sections:

30.55.010 Purpose
30.55.020 Zoning Map Designation
30.55.030 Procedures
30.55.040 Findings
30.55.050 Action
30.55.060 Uses Permitted in the HWMF Overlay Zone
30.55.070 Project Development Standards
30.55.080 Maximum Height
30.55.090 Setbacks
30.55.100 Parking Requirements
30.55.110 Termination of HWMF Overlay Zone Classification
30.55.120 Project Review

30.55.010 Purpose

The purpose of this Overlay Zone is to provide a mechanism for the siting of specified off-site hazardous waste management facilities and to ensure that such facilities are sited consistent with the requirements of the Hazardous Waste Management Plan adopted by Chapter 22.05, Hazardous Waste Management Plan, of the Santa Barbara Municipal Code, the base zone over which the HWMF Overlay Zone is applied and the existing and future uses in the area surrounding such facilities.

30.55.020 Zoning Map Designation

Land areas approved for Hazardous Waste Management Facilities in accordance with this Chapter shall be shown on the Zoning Map by the symbol "HWMF". Land classified in a HWMF Overlay Zone shall also be classified in a M-C, M-I, or CO-MI base zone.

30.55.030 Procedures

A. **Permits Required.**

1. ***Zoning Amendment.*** An application for classification as an HWMF Overlay Zone in combination with one of the base zones listed in Section 30.55.020, Zoning Map Designation, above, shall be processed as an amendment to the Zoning Map, according to the procedures of Chapter 30.235, General Plan and Zoning Amendments, except as otherwise outlined in this Chapter.

2. ***Conditional Use Permit.*** An application for a Conditional Use Permit shall be accepted and processed pursuant to Chapter 30.215, Conditional Use Permits, for development within the proposed HWMF Overlay Zone.

B. **Application Requirements.** In addition to the application requirements for a zone change, Conditional Use Permit, and any other necessary applications for land use permits, an application for uses in the HWMF Overlay Zone shall include:

1. An evaluation of the consistency of the proposed project with the siting criteria for offsite hazardous waste management facilities set forth in the Hazardous Waste Management Plan.
2. An evaluation of alternative sites for the project.
3. Map(s) showing the area within a half-mile radius of the project site which indicate:
    a. All residential units and other sensitive land uses such as schools, hospitals, convalescent hospitals, rest homes, day care facilities, libraries, parks, etc.;
    b. Other buildings and structures;
    c. Environmentally sensitive areas;
    d. Location of major highways and access routes;
    e. Available emergency services; and
    f. All significant topographic features.
4. Map(s) showing the area within a quarter-mile radius of the project site which indicate:
    a. All sanitary sewer systems;
    b. All storm drains; and
    c. The prevailing wind direction.
5. Information on the types and maximum and average expected quantities of wastes proposed to be stored, treated or transferred by the facility and the physical and chemical characteristics of those wastes.
6. A risk assessment that estimates the level of risk to human health and the environment. Sufficient detail shall be provided so that the Review Authority has an adequate basis from which to consider alternatives. The risk assessment shall include, but not be limited to, the following items:
    a. The use of worst case incident scenarios;
    b. The identification of the maximum volumes expected of different classes or types of hazardous materials or wastes;
    c. The identification of physical and chemical characteristics of the wastes that will be handled;
    d. A discussion of the size and composition of any residential or populated areas nearby and the potential for impacting these areas;
    e. An evaluation of potential impacts to air quality, water resources, crops, vegetation and wildlife;
    f. An evaluation of the project's effect on immobile populations;

g. An analysis of emergency response capabilities;

h. An evaluation of emissions from routine operations;

i. The evaluation of different transportation options; and

j. A discussion of the proposed detection and monitoring systems, auditing and inspection programs and other risk reduction controls with regard to protection of human health and the environment.

7. A preliminary Risk Management Prevention Plan (RMPP) if such RMPP is required by reason of Section 65850.2 of the Government Code.

8. A preliminary emergency response plan that addresses the potential actions to be taken in the event of a release or a threatened release of a hazardous waste.

9. Measures or plans to ensure site security.

10. Analysis of depth to groundwater.

11. Data needed to evaluate need for the hazardous waste management facility consistent with the Hazardous Waste Management Plan, including but not limited to, data from the state manifest records, data from the Santa Barbara County Department of Environmental Health Services, other current data and any intergovernmental agreements into which the County of Santa Barbara has entered.

12. A site characterization and geotechnical investigation which evaluates geologic hazards and other disaster potential. This shall include, but not be limited to, assessment of soils, faults, slopes, landslide potential, ground and surface waters and floods.

13. Traffic, circulation and parking demand study.

14. Architectural and visual analysis which shows how the project will be designed to protect public views and to be compatible with the neighborhood.

15. An assessment of the project's expected demand for water, sewer and energy including availability of the required resources and any conservation measures incorporated into the project design.

16. A closure and post-closure plan detailing measures to be taken to restore, evaluate and monitor conditions at the site at the time the applicant or successor owners/operators cease operation of the hazardous waste management facility, to ensure the elimination of any adverse environmental condition related to the operation of the facility or any condition which could pose a hazard to human health, affect community welfare, or which could affect existing or potential development in the vicinity. The plan will include demonstration of binding commitments to guarantee implementation of the plan. The adequacy of the plan will be determined by the Community Development Director.

17. An analysis of the project's potential fiscal impact on the City and any other affected jurisdictions along with financial assurances that show that the operator has included a funding system that will cover the costs of construction, operation, emergency, closure and post-closure cleanup and monitoring.

18. Any other information that the Community Development Director deems necessary to evaluate and process the application.

30.55.040 Findings

In addition to the findings required for the approval of rezones, Development Plans, Conditional Use Permits and any other necessary approvals, no rezone to the HWMF Overlay Zone shall be approved unless the City Council, upon the recommendation of the Planning Commission, also makes the following findings:

A. The hazardous waste management facility is consistent with the Hazardous Waste Management Plan.

B. There is a need for the offsite treatment, storage or transfer hazardous waste management facility as determined pursuant to Policy 2-1 of the Hazardous Waste Management Plan.

C. The rezone or proposed facility is consistent with the siting criteria for offsite hazardous waste management facilities set forth in the Hazardous Waste Management Plan and with the development standards set forth in this Chapter.

D. A risk assessment has been prepared for the rezone, ~~Development Plan,~~ Conditional Use Permits, and any other necessary approvals which adequately evaluates the risks to human health and safety and the environment under both routine operations and upset conditions.

E. The risks to human health and the environment have been minimized to the maximum extent feasible and the remaining risks are considered acceptable.

F. The facility will be operated using the best feasible hazardous waste management technologies.

G. The significant environmental impacts have been addressed as required under the provisions of the California Environmental Quality Act, as amended from time to time.

H. The proposed facility is consistent with the City General Plan in that the facility is in an area designated by the General Plan and zoned for industrial use and the area is substantially developed with other industrial facilities which are served by the same transportation routes as the proposed facility. In addition, the land uses authorized in the General Plan and by zoning in the vicinity of the project are compatible with the project.

I. The proposed facility is within reasonable proximity to industrial facilities which produce or treat hazardous waste on-site as outlined in the Hazardous Waste Management Plan.

J. The alternative locations for the proposed facility, as identified in the environmental impact report for the project and in the Hazardous Waste Management Plan, have been adequately considered in determining the location chosen for the facility.

K. A closure and post-closure plan has been submitted which adequately describes and guarantees implementation of measures to be taken to restore, evaluate and monitor conditions at the site upon cessation of operations, to ensure elimination of adverse environmental conditions and potential hazards to human health and other effects.

L. The project will not create a financial burden for the City or the County.

M. The proposed facility operator has demonstrated financial responsibility for the operation, monitoring, closure and post-closure requirements of the facility.

30.55.050 Action

In addition to the application and public hearing process required by this Title for any change of zone, Conditional Use Permit, ~~Development Plan~~ or other land use permit, offsite hazardous waste management facilities are subject to the procedures outlined in Article 8.7 (commencing with Section 25199.1) of the California Health and Safety Code, including, but not limited to, the following:

A. **Notice of Intent.** At least 90 days before filing an application for the addition of a HWMF Overlay Zone to a property and for a Conditional Use Permit for an offsite hazardous waste management facility and, if necessary, a Coastal Development Permit ~~or Development Plan~~ approval with the City, the applicant shall file a Notice of Intent to make such application with the Office of Permit Assistance in the Governor's Office of Planning and Research and with the City of Santa Barbara. The Community Development Department shall publish a notice in a newspaper of general circulation in the City, shall post notices in the location where the proposed project is located and shall notify, by direct mailing, the owners of all property within 450 feet of the proposed project, as shown on the latest equalized assessment roll. The Notice of Intent is not transferable to a location other than the location specified in the notice and shall remain in effect for one year from the date it is filed with the City or until it is withdrawn by the applicant, whichever is earlier. The Notice of Intent filed with the City shall include the following:

1. A complete description of the nature, function and scope of the project.

2. Labels containing the names, addresses and assessor's parcel numbers of all property owners within 450 feet of the affected parcel, as shown in the latest equalized assessment roll.

3. A fee to cover the costs of processing the Notice of Intent and carrying out the required notification procedures, as adopted by a resolution of the City Council.

B. **Public Information Meeting.** Within 90 days of filing a Notice of Intent with the Office of Permit Assistance, the Office shall convene a public meeting in the City of Santa Barbara in order to inform the public of the nature, function and scope of the proposed offsite hazardous waste management facility project and the procedures that are required for approving applications for such projects.

C. **Selection and Costs of Local Assessment Committee.** The City Council shall appoint a seven-member Local Assessment Committee to advise it in considering an application for an offsite hazardous waste management facility, subject to the following requirements:

1. The Local Assessment Committee shall be appointed not later than 30 days after the application for an offsite hazardous waste management facility is accepted as complete by the Community Development Department.

2. A fee adequate to cover the costs of establishing and convening the Local Assessment Committee, as adopted by a resolution of the City Council, shall be paid by the applicant at the time the application is submitted.

3. The committee shall be broadly constituted to reflect the makeup of the community and shall include three representatives of the community at large, two representatives of environmental or public interest groups and two representatives of affected businesses or industries. Members of the committee shall have no direct financial interest, as defined in Section 87103 of the Government Code, in the proposed offsite hazardous waste management facility.

D. **Duties of Local Assessment Committee.** The Local Assessment Committee shall, as its primary function, advise the City Council of the terms and conditions under which the proposed offsite hazardous waste management facility project may be acceptable to the community. To carry out this function, the Committee shall do all of the following:

1. Enter into a dialogue with the applicant to reach an understanding with the applicant on both of the following:

   a. The measures that should be taken by the applicant in connection with the operation of the proposed offsite hazardous waste management facility to protect the public health, safety and welfare and the environment of the City.

   b. The special benefits and remuneration the facility applicant will provide the City as compensation for the local costs associated with the facility.

2. Represent generally, in meetings with the project applicant, the interests of the residents of the City and the residents of adjacent communities.

3. Receive and expend any technical assistance grants made available pursuant to Subsection H of this Section.

4. Adopt rules and procedures which are necessary to perform its duties.

5. Advise the Planning Commission and City Council of the terms, provisions and conditions for project approval which have been agreed upon by the Committee and the project applicant, and any other information the Committee deems appropriate. The Planning Commission and City Council may use this advice for their independent consideration of the project.

6. The City Council shall assure that staff resources are provided to assist the Local Assessment Committee in performing its duties.

E. **Term of the Local Assessment Committee.** A Local Assessment Committee established pursuant to this Section shall cease to exist after final administrative action by state and local agencies has been taken on the permit applications for the project for which the Committee was convened.

F. **Notification of the Office of Permit Assistance and Scheduling of Public Hearing.** The Community Development Department shall notify the Office of Permit Assistance within 10 days after the application for an offsite hazardous waste management facility is accepted as complete by the City. Within 60 days after receiving such notice, the Office of Permit Assistance shall convene a meeting of the lead and responsible agencies for the project, the project applicant, the Local Assessment Committee and the interested public, for the purpose of determining the issues which concern the agencies that are required to approve the project and the issues which concern the public.

G. **Local Assessment Committee Meet and Confer.** Following the public hearing required in Subsection F of this Section, the project applicant and the Local Assessment Committee shall meet and confer on the offsite hazardous waste management facility proposal for the purpose of establishing the terms and conditions under which the project will be acceptable to the community.

H. **Technical Assistance Grants.** If the Local Assessment Committee finds that it requires assistance and independent advice to adequately review a proposed offsite hazardous waste management facility project, it may request technical assistance grants from the City Council to enable the Committee to hire a consultant.

1. The Committee may use technical assistance grant funds to hire a consultant to do either, or both, of the following:

   a. Assist the Committee in reviewing and evaluating the application for the project, the environmental document prepared for the project and any other documents, materials and information that are required by the City and responsible agencies in connection with the application.

b. Advise the Committee in its meetings and discussions with the facility applicant to seek agreement on the terms and conditions under which the project will be acceptable to the community.

2. The City shall require the applicant for the proposed offsite hazardous waste management facility to pay a fee equal to the amount of any technical assistance grant provided the Committee under Paragraph 1 of this Subsection. The funds received as a result of the imposition of the fee shall be used to make technical assistance grants exclusively for the purposes described in Paragraph 1 of this Subsection.

3. The City shall deposit any fee imposed pursuant to Paragraph 2 of this Subsection in the City treasury, maintain records of all expenditures from the account and return any unused funds and accrued interest to the project applicant upon completion of review of the proposed project.

I. **Failure to Resolve Differences.** If the Local Assessment Committee and the project applicant cannot resolve any differences through their meetings, the Office of Permit Assistance may assist in this resolution pursuant to Health and Safety Code Section 25199.4.

J. **Appeal of Decision Of City Council.** A decision of the City Council to approve or deny an application for an offsite hazardous waste management facility may be appealed to the Governor of the State of California or the Governor's designee pursuant to Health and Safety Code Sections 25199.9, 25199.10, 25199.11 or 25199.13, as appropriate.

30.55.060 Uses Permitted in the HWMF Overlay Zone

A. Any use permitted in the base zone, except residential use.

B. Offsite Hazardous Waste Management Facilities including:

1. Hazardous Waste Transfer Station.

2. Hazardous Waste Storage Facility.

3. Hazardous Waste Treatment Facility.

4. Hazardous Waste Recycling Facility.

C. Hazardous Waste Residual Repositories are prohibited within the incorporated limits of the City of Santa Barbara.

30.55.070 Project Development Standards

A. A buffer adequate to protect the public health and safety and environmentally sensitive areas shall be established. The size and location of the buffer shall be based upon a thorough assessment of the risk to human health and the environment.

B. All offsite hazardous waste management facilities shall be designed and constructed so as to contain spills, leaks and other accidental releases of waste. Containment shall

provide protection to air quality and surface and groundwater resources and shall be based on a site characterization and geologic report.

C. All offsite hazardous waste management facilities shall use public services.

D. Offsite hazardous waste management facilities shall include measures for adequate site security.

E. Offsite hazardous waste management facilities shall be visually compatible with existing and anticipated surrounding land uses.

F. No noxious odors associated with an offsite hazardous waste management facility shall be detectable at or beyond the property boundary.

G. The level of noise generated by facility operation at the property boundary shall not exceed 65 dBA.

H. All offsite hazardous waste management facilities shall comply with Santa Barbara County Air Pollution Control District rules and regulations and shall be consistent with the Air Quality Attainment Plan.

I. Project construction shall include mitigation of construction impacts including, but not limited to, dust suppression, emissions controls, sedimentation controls and restricted construction hours.

J. Grading and alteration of natural drainages shall be minimized and adequate provisions shall be made to prevent erosion and flood damage.

K. A monitoring system to measure offsite impacts including, but not limited to, noise, odors, vibration and air and water quality degradation shall be in operation throughout the construction, operation, closure and post-closure of the facility.

L. All outside lighting shall be shielded and no unobstructed beam of light shall shine off the premises. In addition, lighting shall not draw attention to the facility. All lighting shall be of an overall level and type compatible with surrounding uses.

30.55.080 Maximum Height

Height limitations of the base zone shall apply.

30.55.090 Setbacks

Required setbacks shall be subject to the same limitations as those found in the base zone, except as outlined by Section 30.55.070, Project Development Standards, above.

30.55.100 Parking Requirements

Parking shall be provided in accordance with Chapter 30.175, Parking Regulations.

30.55.110 Termination of HWMF Overlay Zone Classification

Any ordinance amendment establishing a HWMF Overlay Zone classification under this Chapter shall terminate and the affected property shall automatically revert to the base zone

classification represented by the basic symbol if the Conditional Use Permit, Coastal Development Permit, ~~Development Plan approval~~ or other land use permit expire.

30.55.120 Project Review

Development in the HWMF Overlay Zone shall be reviewed for consistency with an approved permit and any conditions of approval. No development may be approved and no building permit issued unless the project is consistent with an approved permit and any conditions of approval.

Chapter 30.60 Planned Unit Development (PUD) Overlay Zone

Sections:

30.60.010 Purpose
30.60.020 Zoning Map Designation
30.60.030 Land Use Regulations
30.60.040 Development Regulations
30.60.050 Development Stages
30.60.060 Security for the Maintenance of Open Space
30.60.070 Procedures
30.60.080 Project Review

30.60.010 Purpose

The purpose of this Chapter is to establish a Planned Unit Development (PUD) Overlay Zone that provides for one or more properties to be developed under a plan that provides for better coordinated development and incorporates development standards crafted to respond to site conditions in order to:

A. Provide flexibility in the development of residential properties with single-unit, duplex, and multi-unit housing types and provide desirable spatial relationships between buildings and structures on-site.

B. Encourage preservation and enhancement of natural beauty and the provision of landscaped open spaces for visual and recreational enjoyment.

C. Allow for creative development projects that incorporate design features that provide greater amenities and open space than would likely result from conventionally planned development and subdivisions under strict adherence to requirements of the base zone.

D. Ensure substantial compliance with and implement the land use and density policies of the General Plan and any applicable Specific Plan.

30.60.020 Zoning Map Designation

A PUD Overlay Zone shall be noted on the Zoning Map by the designation "PUD" followed by the maximum allowable density figure in residential units per acre. The PUD Overlay Zone is limited to properties within the RS Zones.

30.60.030 Land Use Regulations

In addition to the uses allowed in the applicable base zone the following uses are permitted.

A. Planned unit development containing single-unit, two-unit, and multi-unit housing types and 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.

B. Large Family Day Care Homes.

C. Other uses as required by State law.

30.60.040 Development Regulations

A. **Residential Unit Density.** Except where a density bonus is granted in compliance with Chapter 30.145, Affordable Housing and Density Bonus and Development Incentives, or State Bonus Density (California Government Code §65915), the total number of residential units shall not exceed the maximum number of lots which could be developed by way of the usual subdivision procedure, utilizing the existing zoning on the property and all subdivision design requirements for the total area of the planned development designated for residential use, excluding areas devoted to public street rights-of-way. Recreation areas are considered part of the residential use of the property. The Review Authority may establish a maximum density for the Planned Unit Development that is less than the maximum density of the base zone, based on consideration of the individual site characteristics such as topography, soil, relationship to existing neighborhoods, environmentally sensitive habitat, creeks and similar characteristics.

B. **Development Setback.** The following setbacks apply to the perimeter of the Planned Unit Development site. All other setback requirements of the base zone shall apply.

1. ***Front Setback.*** The front setback at the perimeter of the Planned Unit Development site shall be twice the required front setback of the base zone.

2. ***Interior Setback.*** There shall be interior setbacks of not less than 40 feet around the perimeter of the Planned Unit Development site.

C. **Maximum Height.** Structures shall not exceed 30 feet in height.

D. **Units Per Building.** No building shall contain more than four residential units.

E. **Street Requirements.** In order to provide flexibility of development and to preserve natural terrain features and open spaces, Planning Commission may grant waivers of City street design standards as may be deemed necessary to assure that the spirit and intent of this Chapter are observed and the public welfare and safety secured.

F. **Modification Limitation.** No Variance or Modification shall be granted for maximum height, maximum number of four dwelling units per building, or maximum dwelling units per acre of the site area.

G. **Landscape Buffer for Parking Areas and Driveways.**

1. A landscaped area at least 10 feet wide shall be provided between any uncovered parking area or driveway and a property line.

2. A landscaped island at least four feet in all interior dimensions shall be provided between every eight consecutive parking stalls. Each landscape island shall contain a tree.

H. **Parking.** Two covered spaces shall be provided for each unit. One additional, uncovered, guest parking space shall be provided for every two residential units. Guest parking shall not be located in any driveway or other tandem configuration.

I. **Open Space.** A minimum of 50 percent of the net area of the site shall be open space devoted to setbacks, planting, patios, walkways, and recreation areas. For purposes of this calculation, net area is defined as the gross site area less all land covered by buildings, structures, streets, parking areas and access thereto.

1. Control of the design of open spaces is vested in the Planning Commission. Design shall mean size, shape, location and usability for proposed private, public or semi-public purposes and development.
2. Approval of such open spaces shall be restricted from further development.
3. Planned unit developments shall be approved subject to the submission of a legal instrument or instruments setting forth a plan or manner of permanent care and maintenance of such open spaces, recreational areas and communally owned facilities. No such instrument shall be acceptable until approved by the City Attorney as to legal form and effect.

30.60.050 Development Stages

If the construction of the development is to occur in stages, the required open space or recreational facilities shall be developed, or committed thereto, in proportion to the number of residential units intended to be developed during any given stage of construction as approved by the Planning Commission. At no time during the construction of the project shall the number of constructed residential units per acre of developed land exceed the overall density per acre established by the approved Conditional Use Permit.

30.60.060 Security for the Maintenance of Open Space

As a guarantee of good faith for the maintenance of the required open space or recreational facilities, the developer shall furnish one of the securities described below, or combination thereof, as approved by City, in an amount equal to one 100 percent of the estimated cost of such work. Such work shall consist of satisfactorily installing and maintaining the required open space or recreational facilities for as long as the use they are intended to serve is maintained.

A. Bond or bonds by one or more duly authorized corporate sureties.

B. A deposit, either with the City or a responsible escrow agent or trust company, at the option of the City, of money or negotiable bonds of the kind approved for securing deposits of public moneys.

C. An instrument of credit from one or more financial institutions subject to regulating by the State or Federal government and pledging that the funds necessary to carry out the act or agreement are on deposit and guaranteed for payment.

30.60.070 Procedures

A. **Concept Review.** Concept review by the Planning Commission is required prior to submittal of an application for a PUD Overlay Zone and Conditional Use Permit, pursuant to Chapter 30.205, Common Procedures.

B. **Permits Required.**

1. ***Zoning Amendment.*** An application for a classification as a PUD Overlay Zone shall be processed as an amendment to the Zoning Map, according to the procedures of Chapter 30.235, General Plan and Zoning Amendments.

2. ***Conditional Use Permit.*** A Conditional Use Permit shall be accepted and processed, pursuant to Chapter 30.215, Conditional Use Permits, for the PUD.

3. ***Tentative Subdivision Map.*** When an application for a PUD also requires the submission of a tentative subdivision map, this map and all supporting documents shall be prepared and submitted concurrently with the application of the PUD.

C. **Required Findings.** A Conditional Use Permit for a PUD shall only be approved if the following findings are made in addition to any other findings required by this Title:

1. The design of the development provides for close visual and physical relationship between residential units.

2. Landscaped open areas dominate the site development and provide substantial usable areas for passive or active recreational use.

3. Public views of the site are those that provide a sense of landscaped, open areas. Parking areas and building masses do not dominate the public view of the site.

4. The subject site is physically suitable for the type and intensity of the land use being proposed;

5. The proposed development will not have a substantial adverse effect on surrounding land uses and will be compatible with the existing and planned land use character of the surrounding area; and

6. The proposed development is demonstratively superior to the development that could occur under the standards applicable to the underlying base district, and will achieve superior design, environmental preservation or provision of open space.

D. **Expiration.**

1. ***Conditional Use Permit.*** A Conditional Use Permit associated with the PUD Overlay Zone shall be effective on the same date as the ordinance creating the PUD Overlay Zone for which it was approved and shall expire four years after the effective date unless actions specified in the conditions of approval have been taken, a building permit has been issued and construction diligently pursued, or a time extension pursuant to Section 30.205.120, Expiration of Permits, has been approved. An approved Conditional Use Permit may specify a development staging program exceeding four years.

2. ***Tentative Map.*** Where a tentative map has been approved in conjunction with a Conditional Use Permit, the Conditional Use Permit shall expire upon the expiration of the tentative map.
3. ***Phased Development.*** In the event that the applicant intends to develop the project in phases, and the City Council approves phased development, the Conditional Use Permit shall remain in effect so long as it is consistent with the approved phasing plan.

30.60.080 Project Review

Development in the PUD Overlay Zone shall be reviewed for consistency with an approved permit and any conditions of approval. No development may be approved and no building permit issued unless the project is consistent with an approved permit and any conditions of approval.

Chapter 30.65 Research and Development (RD) Overlay Zone

Sections:

30.65.010 Purpose
30.65.020 Applicability
30.65.030 Land Use Regulations
30.65.040 Minimum Site Area
30.65.050 Development Standards
30.65.060 Operational and Performance Standards
30.65.070 Procedures
30.65.080 Project Review

30.65.010 Purpose

The Research and Development (RD) Overlay Zone is intended to provide areas for research and development activities that are developed and operated in a manner that is compatible in scale, intensity, traffic generation, and general character with surrounding uses and development.

It is the intent of this Chapter to permit uses in the RD Overlay Zone of the type described below at which the level and intensity of activity is commensurate with that of the surrounding residential area and the base zone in which the site is located. The intensity of activity of a RD facility may be considered to be directly related to the number of persons and vehicles traveling to and from the site during a given period of time. The appropriate maximum level of activity for a RD site will vary considerably depending upon the location of the site, the base zone category, access to appropriate collector and arterial streets and other similar factors. It is intended that the Planning Commission shall make the determination that the level of activity proposed for a RD site is appropriate.

It is the intent of restrictions on allowed administrative office activities 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 tradespeople, business calls, and other activities normal to a strictly administrative function are intended to be allowed.

30.65.020 Applicability

The provisions of this Chapter apply to properties located within or proposed to be located within the RD Overlay Zone mapped on the current Official Zoning Map.

30.65.030 Land Use Regulations

In addition to the uses allowed in the applicable base zone, the following uses are permitted provided all activities occur within an enclosed building and no business with the general public is conducted.

A. Research and Development. Manufacturing activity is prohibited except for development of prototypes used for experimentation or research. A prototype is an original, model, or pattern from which manufactured, fabricated or assembled products are developed or copied.

B. Accessory administrative offices only serving personnel working on-site.

C. Incidental classes or training programs. The number of attendees shall not exceed 10 percent of the total number of employees regularly present on-site.

D. Radio and television transmitting and broadcasting stations pursuant to Section 30.185.410, Telecommunications Facilities.

30.65.040 Minimum Site Area

The minimum area of an RD Overlay District is two acres. The City Council may require a larger area when necessary to meet the purpose and requirements of this Chapter.

30.65.050 Development Standards

A. **Setbacks**. All buildings, structures and parking shall be setback from front lot lines and interior lot lines as follows. All other setback requirements of the base zone shall apply.

1. ***Front Setback:*** 35 feet.

2. ***Interior Setback:*** 25 feet.

B. **Maximum Height.** Structures shall not exceed 20 feet in height.

C. **Lot Coverage.**

1. A maximum of 25 percent of the lot may be covered with buildings and structures.

2. A maximum of 30 percent of the lot may be covered by open parking, loading, delivery, turn-around areas, and driveways.

D. **Street Frontage and Site Dimensions.** Each site shall have a minimum street frontage of 150 feet and minimum side dimension of 150 feet.

E. **Landscaping.** All areas of the site not covered by buildings, structures, loading areas, parking, driveways, or walkways shall be landscaped according to a landscape plan prepared by a licensed landscape architect or licensed landscape contractor and approved by the City Council with recommendations from the Planning Commission.

30.65.060 Operational and Performance Standards

A. **Operation Plan.** A plan for the operation of the research and development facility shall be submitted for approval.

B. **Maximum Number of Employees.** The operation plan shall include a statement of the maximum number of employees to be present on the site at any one time. At no

time shall the number of employees at the site exceed the maximum number approved in the Conditional Use Permit.

C. **Loading and Delivery.** Loading or delivery is prohibited in a front yard.

D. **Performance Standards**. All activities shall comply with the Performance Standards of Chapter 30.180, Performance Standards.

E. **Waste, Recycling, and Outdoor Storage.** All fuel, raw materials, equipment and products used outside of the building of such establishment shall comply with Section 30.140.240, Waste, Recycling and Outdoor Storage, and Section 30.185.310, Outdoor Storage.

30.65.070 Procedures

A. **Permits Required.**

1. ***Zoning Amendment.*** An application for a classification as an RD Overlay Zone shall be processed as an amendment to the Zoning Map, according to the procedures of Chapter 30.235, General Plan and Zoning Amendments.

2. ***Conditional Use Permit.*** An application for a Conditional Use Permit shall be accepted and processed pursuant to Chapter 30.215, Conditional Use Permits, for development within the proposed RD Overlay Zone.

B. **Expiration.**

1. ***Conditional Use Permit.*** A Conditional Use Permit associated with the RD Overlay Zone shall be effective on the same date as the ordinance creating the RD Overlay Zone for which it was approved and shall expire four years after the effective date unless actions specified in the conditions of approval have been taken, a building permit has been issued and construction diligently pursued, or a time extension pursuant to Section 30.205.120, Expiration of Permits, has been approved. An approved Conditional Use Permit may specify a development staging program exceeding four years.

2. ***Phased Development.*** In the event that the applicant intends to develop the project in phases, and the City Council approves phased development, the Conditional Use Permit shall remain in effect so long as not more than one year lapses between the end of one phase and the beginning of the next phase.

30.65.080 Project Review

Development in the RD Overlay Zone shall be reviewed for consistency with an approved permit and any conditions of approval. No development may be approved and no building permit issued unless the project is consistent with an approved permit and any conditions of approval.

Chapter 30.70 Resort Hotel (RH) Overlay Zone

Sections:

30.70.010 Purpose
30.70.020 Applicability
30.70.030 Land Use Regulations
30.70.040 Minimum Site Area
30.70.050 Development Standards
30.70.060 Procedures
30.70.070 Project Review

30.70.010 Purpose

The purpose of the RH Zone is to provide for the specialized uses that are associated with the development and operation of resort hotels and to minimize conflicts with or disturbances to adjoining residential areas.

30.70.020 Applicability

The provisions of this Chapter apply to properties located within or proposed to be located within the RH Overlay Zone mapped on the Official Zoning Map and developed with a resort hotel.

A. The RH Overlay Zone is limited to properties within the RS-15, RS-10, RS-7.5, RS-6, R-2, and R-M zones.

B. Property within the RH Overlay District not developed with a resort hotel shall be subject to the provisions of the base zone.

C. Property within the RH Overlay District shall be developed and used exclusively under the provisions of this Chapter or exclusively under the provisions of the base zone.

30.70.030 Land Use Regulations

The following uses are allowed in the RH Overlay Zone.

A. **Resort Hotels.** Resort hotels, consisting of a main building which may contain guestrooms, and regularly maintained, customary and usual hotel facilities conducted for the convenience of the guests including, without limitation, restaurants, cocktail lounges, conference rooms, spa and fitness facilities, all of which have their main entrance from the lobby.

B. **Guest Buildings.** Separate structures with guestrooms operated under the same ownership as the main resort hotel building.

C. **Limitations.**

1. Guestrooms may include multi-room suites with one entrance. Rooms that can be rented separately shall be considered separate guestrooms.

2. Up to six guestrooms in guest buildings may be equipped with kitchens.

3. A single guest building shall not contain more than 12 bedrooms or more than six guestrooms with kitchens.

4. A minimum of 50 percent of the total number of guestrooms shall be located in guest buildings.

30.70.040 Minimum Site Area

The minimum area of an RH Overlay District is four acres.

30.70.050 Development Standards

A. **Setbacks**. Buildings and structures shall be setback from front and interior lot lines at least twice the required front setback of the base zone or 30 feet, whichever is greater. All other setback requirements of the base zone shall apply.

B. **Maximum Height.** Height limitations of the base zone apply.

C. **Landscaping.** All areas of the site not covered by buildings, structures, loading areas, parking, driveways, or walkways shall be landscaped according to a landscape plan prepared by a licensed landscape architect or licensed landscape contractor and approved by the City Council with recommendations from the Planning Commission.

D. **Lot Coverage.**

1. A maximum of 33-1/3 percent of the lot may be covered with buildings and structures, including parking structures, but exclusive of porches, balconies and patios.

2. A maximum of 33-1/3 percent of the lot may be covered by open parking spaces, turn-around areas and driveways.

E. **Guestroom Density.** The maximum number of guestrooms per acre is based on the base zone as follows.

1. ***RS-15:*** 5 guestrooms/acre

2. ***RS-10:*** 8 guestrooms/acre

3. ***RS-7.5:*** 10 guestrooms/acre

4. ***RS-6:*** 15 guestrooms/acre

5. ***R-2:*** 20 guestrooms/acre

6. ***R-M:*** 40 guestrooms/acre

30.70.060 Procedures

A. **Permits Required.**

1. ***Zoning Amendment.*** An application for a classification as a RH Overlay Zone shall be processed as an amendment to the Zoning Map, according to the procedures of Chapter 30.235, General Plan and Zoning Amendments.

2. ***Conditional Use Permit.*** An application for a Conditional Use Permit shall be accepted and processed pursuant to Chapter 30.215, Conditional Use Permits, for development within the proposed RH Overlay Zone.

B. **Expiration.**

1. ***Conditional Use Permit.*** A Conditional Use Permit associated with the RH Overlay Zone shall be effective on the same date as the ordinance creating the RH Overlay Zone for which it was approved and shall expire four years after the effective date unless actions specified in the conditions of approval have been taken, a building permit has been issued and construction diligently pursued, or a time extension pursuant to Section 30.205.120, Expiration of Permits, has been approved. An approved Conditional Use Permit may specify a development staging program exceeding four years.

2. ***Phased Development.*** In the event that the applicant intends to develop the project in phases, and the City Council approves phased development, the Conditional Use Permit shall remain in effect so long as not more than one year lapses between the end of one phase and the beginning of the next phase.

30.70.070 Project Review

Development in the RH Overlay Zone shall be reviewed for consistency with an approved permit and any conditions of approval. No development may be approved and no building permit issued unless the project is consistent with an approved permit and any conditions of approval.

Chapter 30.75 San Roque Park Subdivision (SRP) Overlay Zone

Sections:

30.75.010 Purpose
30.75.020 Applicability
30.75.030 Setbacks

30.75.010 Purpose

The San Roque Park Subdivision (SRP) Overlay Zone is intended to require front setbacks consistent to a deed restriction imposed at the time the San Roque Park Subdivision was created. The San Roque Park Subdivision was created in 1926, at which time a deed restriction was imposed requiring that buildings be set back at least 40 feet from the front property line. This restriction was in effect until 1941, at which time it expired. Development since 1941 has largely respected this increased front setback, in spite of the fact that the Zoning Ordinance requirements are less restrictive. A majority of the property owners in the San Roque Park Subdivision expressed the desire for the setbacks required by the Zoning Ordinance to conform with the original deed restrictions.

30.75.020 Applicability

The provisions of this Chapter apply to properties located within the San Roque Park Subdivision, which is located northerly of State Street between San Roque Road and Ontare Road and mapped as the SRP Overlay Zone on the Official Zoning Map.

30.75.030 Setbacks

The setback requirements of the base zone shall apply except the required front setback within the SRP Overlay Zone is 40 feet except as provided below:

A. **San Roque Road, Ontare Road, and Cannon Drive.** The required front setback abutting San Roque Road, Ontare Road, or the portion of Canon Drive where land on one side of the street is outside the SRP Overlay Zone is as required by the base zone.

B. **Madrona Drive.** The required front setback abutting Madrona Drive is 30 feet.

Chapter 30.80 Senior Housing (SH) Overlay Zone

Sections:

30.80.010 Purpose
30.80.020 Applicability
30.80.030 Eligibility
30.80.040 Land Use Regulations
30.80.050 Development Standards
30.80.060 Agreement Required
30.80.070 Procedures
30.80.080 Project Review

30.80.010 Purpose

The Senior Housing (SH) Overlay Zone is intended to provide areas for additional housing facilities for elderly persons of low and moderate incomes distributed throughout residential areas of the City while ensuring there is a balance of various housing types in the area and would not result in a detriment to the community or the zone as a whole.

30.80.020 Applicability

The provisions of this Chapter apply to properties located within or proposed to be located within the SH Overlay Zone mapped on the Official Zoning Map. The SH Overlay Zone is limited to properties within an RS or R-2 zone.

30.80.030 Eligibility

For purposes of this Chapter, housing is limited to persons 62 years of age or older and of low or moderate income and qualified permanent residents, as defined in the California Civil Code 51.3.

30.80.040 Land Use Regulations

In addition to the uses allowed in the applicable base zone, housing developments for elderly persons, including accessory uses to serve the residents are permitted.

30.80.050 Development Standards

A. **Maximum Height.** Height limitations of the base zone shall apply.

B. **Setback Requirements.** Setback requirements of the base zone shall apply.

C. **Number of Units, Buildings, and Occupants.**

1. ***Maximum Units and Buildings per Development.*** The maximum number of residential units and residence buildings in the development shall not exceed the following.

TABLE 30.80.050: MAXIMUM RESIDENCE BUILDINGS AND RESIDENTIAL UNITS PER DEVELOPMENT		
Base Zone	*Number of Residence Buildings/Net Acre*	*Residential Units/Net Acre*
RS-1A	0.8	3.2
RS-25	1.5	6.0
RS-15	2.3	9.2
RS-10	3.6	14.4
RS-7.5	4.6	18.4
RS-6	5.6	22.4
R-2	5.6	22.4

2. ***Maximum Units per Building.*** The maximum number of units per building is four.

3. ***Maximum Permitted Occupancy.*** One resident per each studio unit, and two residents per bedroom for all other unit types.

D. **Floor Area.** The maximum floor area per building is 2,200 square feet exclusive of garages or carports.

E. **Maximum Parking Spaces per Parking Area.** The maximum number of parking spaces provided in any single uncovered parking area is 10 spaces. A parking area containing spaces on both sides of a common aisle shall be counted as one parking area.

F. **Garages and Carports**. The maximum number of parking spaces per garage or carport is three. Carports and garages shall be attached to and made a part of a main building.

G. **Site Design.** All buildings and structures shall be located on the site in a manner similar to the way residences might be located in the base zone in which the property is located. For example, if PUD, they may be clustered; if single-unit, they should be laid out like a standard subdivision. Accessory nonresidential uses shall be located and designed to serve residents only. To demonstrate this, the applicant shall submit, in rough form, a practical subdivision scheme of the property with the proposed buildings shown thereon. Lot sizes, frontages, street alignments, setbacks and all other aspects of such hypothetical subdivision shall be in accordance with applicable Zoning and Subdivision Ordinance requirements.

30.80.060 Agreement Required

In order to ensure continued use of the development for affordable housing for elderly persons, prior to the approval of any Conditional Use Permit for development under this Chapter, the applicant shall submit evidence satisfactory to the Planning Commission that an enforceable regulatory agreement exists to assure the continued operation of the facility for its

intended use for not less than 30 years. The agreement shall be reviewed by the Office of the City Attorney. No waiver to the agreement required pursuant to this Section shall be granted.

30.80.070 Procedures

A. **Permits Required.**

1. ***Zoning Amendment.*** An application for a classification as a SH Overlay Zone shall be processed as an amendment to the Zoning Map, according to the procedures of Chapter 30.235, General Plan and Zoning Amendments.

2. ***Conditional Use Permit.*** An application for a Conditional Use Permit shall be accepted and processed pursuant to Chapter 30.215, Conditional Use Permits, for development within the proposed SH Overlay Zone.

B. **Findings.** A Conditional Use Permit and SH Overlay Zone shall only be approved if the following findings are made in addition to any other findings required by this Title:

1. A substantial need exists in the community for additional housing facilities for elderly persons of low and moderate incomes.

2. The characteristics of the site development proposed are such that the surrounding properties will not be adversely affected by the proposed senior housing project.

3. Sufficient safeguards exist which will assure the long term continued use of the premises in accordance with the intent of this Section and the conditions of approval of the development.

4. The design of the buildings shall be such that it is compatible or convertible to uses consistent to the base zone in which the buildings are located.

C. **Expiration.**

1. ***Conditional Use Permit.*** A Conditional Use Permit associated with the SH Overlay Zone shall be effective on the same date as the ordinance creating the SH Overlay Zone for which it was approved and shall expire four years after the effective date unless actions specified in the conditions of approval have been taken, a building permit has been issued and construction diligently pursued, or a time extension pursuant to Section 30.205.120, Expiration of Permits, has been approved. An approved Conditional Use Permit may specify a development staging program exceeding four years.

2. ***Phased Development.*** In the event that the applicant intends to develop the project in phases, and the City Council approves phased development, the Conditional Use Permit shall remain in effect so long as not more than one year lapses between the end of one phase and the beginning of the next phase.

30.80.080 Project Review

Development in the SH Overlay Zone shall be reviewed for consistency with an approved permit and any conditions of approval. No development may be approved and no building

permit issued unless the project is consistent with an approved permit and any conditions of approval.

Chapter 30.85 Upper State Street Area (USS) Overlay Zone

Sections:

30.85.010 Purpose
30.85.020 Applicability
30.85.030 Development Standards

30.85.010 Purpose

The Upper State Street Area (USS) Overlay Zone has been established to control nonresidential floor area and related traffic in the Upper State Street Area. State Street is the only major east-west surface street serving the Upper State Street Area and it is one of the most heavily traveled streets in the City. The overlay is intended to:

A. Maintain and enhance the character of Upper State Street, including the public streetscape, open space, creeks, views, site design, and building aesthetics.

B. Improve traffic, circulation, pedestrian and bicycle connectivity and parking.

C. Preserve future transportation improvement opportunities.

30.85.020 Applicability

The provisions of this Chapter apply to properties located within the USS Overlay Zone mapped on the Official Zoning Map. The area is bounded by Alamar Avenue, U.S. Highway 101, Foothill Road and State Highway 154.

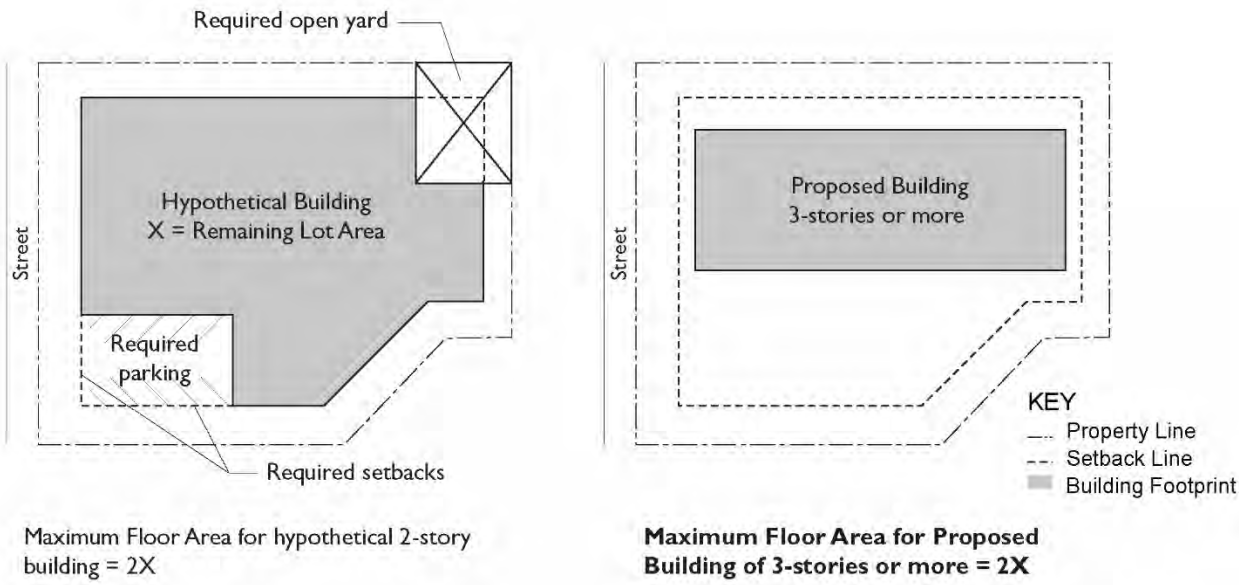
30.85.030 Development Standards

The following standards apply to all development within the USS Overlay Zone.

A. **Maximum Height.** Structures shall not exceed the requirements of the base zone or 45 feet, whichever is less.

B. **Maximum Floor Area.** The maximum floor area of any building other than single-unit residential and two-unit residential that exceeds two stories shall be no more than the total floor area of a two-story building that could be constructed on the lot in compliance with all applicable zoning regulations for setbacks, open space, and parking.

FIGURE 30.85.030(.B): MAXIMUM FLOOR AREA, USS OVERLAY ZONE



C. **Setbacks.** Interior setback requirements of the base zone shall apply. Front setbacks shall be the greater of the base zone or the following front setback requirements:

1. Portions of structures not exceeding 15 feet in height: 10 feet.
2. Any portion of a structure more than 15 feet in height: 20 feet.
3. Uncovered Parking: 10 feet, see Section 30.175.060, Location of Required Automobile and Bicycle Parking.

30.85.040 Procedures

A. **Permits Required.**

1. ***Conditional Use Permit.*** An application for a Conditional Use Permit shall be accepted and processed pursuant to Chapter 30.215, Conditional Use Permit, for new or reconstructed nonresidential buildings totaling 10,000 square feet or more within the C-R Zone.

Part 3: Specific Plan Zones

Chapter 30.90 Adopted Specific Plans

Sections:

30.90.010 Purpose and Applicability
30.90.020 Adopted Specific Plans

30.90.010 Purpose and Applicability

The purpose of this Chapter is to identify all of the adopted Specific Plans that apply in the City of Santa Barbara and reference the regulations that apply. No discretionary entitlement applications or other permits may be approved, adopted or amended within an area covered by a Specific Plan, unless found to be consistent with the adopted Specific Plan.

30.90.020 Adopted Specific Plans

The following is a list of the City's adopted Specific Plans. Each Specific Plan area is mapped on the Official Zoning Map. All Specific Plans are on file with the City of Santa Barbara.

A. **Park Plaza Specific Plan (SP1-PP).** See Chapter 30.95, Park Plaza Specific Plan (SP1-PP) Zone.

B. **Cabrillo Plaza Specific Plan (SP2-CP).** See Chapter 30.100, Cabrillo Plaza Specific Plan (SP2-CP) Zone.

C. **Mission Canyon Specific Plan (SP3-MC).** Rescinded by City Council Resolution No. 14-013 dated March 18, 2014.

D. **Rancho Arroyo Specific Plan (SP4-RA).** See Chapter 30.105, Rancho Arroyo Specific Plan (SP4-RA) Zone.

E. **Westmont College Specific Plan (SP5-WC).** See Chapter 30.110, Westmont College Specific Plan (SP5-WC) Zone.

F. **Airport Industrial Area Specific Plan (SP6-AI).** See Chapter 30.115, Airport Industrial Area Specific Plan (SP6-AI) Zone.

G. **Riviera Campus Specific Plan (SP7-RC).** See Chapter 30.120, Riviera Campus Specific Plan (SP7-RC) Zone.

H. **Hospital Specific Plan (SP8-H).** See Chapter 30.125, Hospital Specific Plan (SP8-H) Zone.

I. **Veronica Meadows Specific Plan (SP9-VM).** See Chapter 30.130, Veronica Meadows Specific Plan (SP9-VM) Zone.

J. **Los Portales Specific Plan (SP10-LP).** See Chapter 30.135, Los Portales Specific Plan (SP10-LP) Zone.

Chapter 30.95 Park Plaza Specific Plan (SP1-PP) Zone

Sections:

30.95.010 Purpose
30.95.020 Applicability
30.95.030 Permitted Uses and Development Regulations
30.95.040 Review Procedures

30.95.010 Purpose

The purpose of the Park Plaza Specific Plan is to ensure the orderly development of the Plan Area, in accordance with the General Plan and Local Coastal Plan of the City of Santa Barbara. The Specific Plan is intended to provide regulatory controls that conform to the General Plan elements, Local Coastal Plan, and mitigation measures that minimize any adverse environmental impacts as outlined in the Final Environmental Impact Report for the Waterfront Park and Hotel project.

30.95.020 Applicability

The regulations of this Chapter apply within the Park Plaza Specific Plan (SP1-PP) Zone described in Exhibit A and depicted on Exhibit B of the Park Plaza Specific Plan and mapped on the Official Zoning Map.

30.95.030 Permitted Uses and Development Regulations

All development within the SP1-PP Zone is subject to the Permitted Uses and Development Regulations of the Park Plaza Specific Plan, as adopted by Resolution of the City Council.

30.95.040 Review Procedures

Any and all future development within the SP1-PP Zone shall conform to the provisions of the Park Plaza Specific Plan. No further development shall be permitted without the following:

A. ~~Development Plan~~Conditional Use Permit review and approval by the Planning Commission pursuant to Chapter 30.~~230~~215, ~~Development Plan~~Conditional Use Permits.

B. Coastal Development Permit review and approval pursuant to Section 30.210.030, Coastal Development Permit.

C. Architectural r~~R~~eview and approval by the Historic Landmarks Commission pursuant to Title 22 of the Santa Barbara Municipal Code.

Figure 30.95:
Park Plaza Specific Plan (SP1-PP)

Chapter 30.100 Cabrillo Plaza Specific Plan (SP2-CP) Zone

Sections:

30.100.010 Purpose
30.100.020 Applicability
30.100.030 Permitted Uses and Development Regulations
30.100.040 Review Procedures

30.100.010 Purpose

The purpose of the Cabrillo Plaza Specific Plan is to ensure the orderly development of the Plan Area, in accordance with the General Plan and Local Coastal Plan of the City of Santa Barbara. The Specific Plan is intended to provide regulatory controls that conform to the General Plan elements, Local Coastal Plan, and mitigation measures that minimize any adverse environmental impacts as outlined in the Final Environmental Impact Report and City Charter Section 1507 relative to living within resources.

30.100.020 Applicability

The regulations of this Chapter apply within the Cabrillo Plaza Specific Plan (SP2-CP) Zone depicted in Figure 30.100, Cabrillo Plaza Specific Plan Area, at the end of this Chapter and mapped on the Official Zoning Map.

~~A. **Resolution 83-15.** In addition to the regulations of this Chapter, the provisions of Resolution 83-15, adopted September 27, 1983, apply.~~

30.100.030 Permitted Uses and Development Regulations

All development within the SP2-CP Zone is subject to the Permitted Uses and Development Regulations of the Cabrillo ~~Park~~ Plaza Specific Plan, as adopted by Resolution of the City Council.

30.100.040 Review Procedures

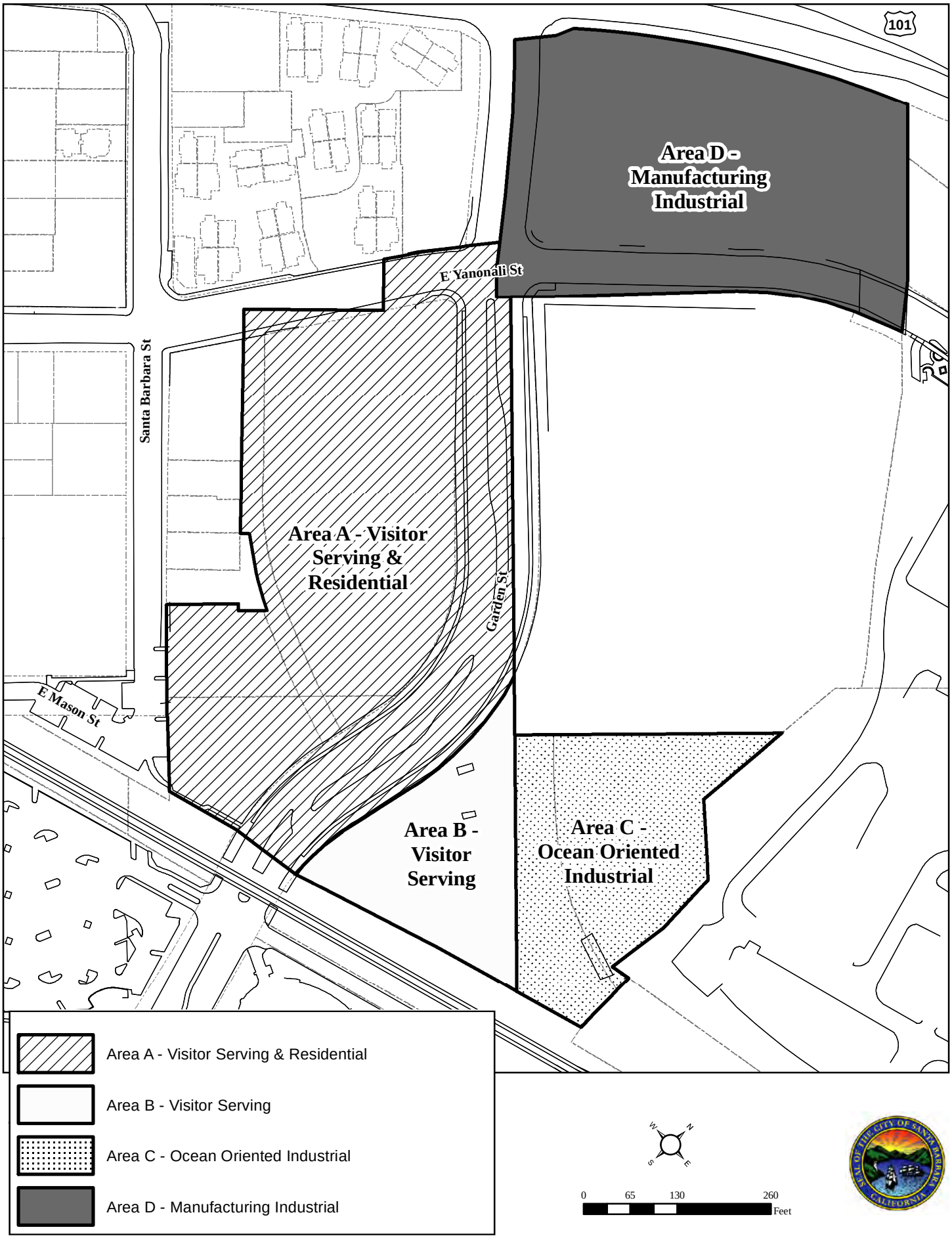
Any and all future development within the SP2-CP Zone shall conform to the provisions of the Cabrillo Plaza Specific Plan. Any such development shall comply with the following:

A. ~~Development Plan~~Conditional Use Permit review and approval by the Planning Commission pursuant to Chapter 30.~~230~~215, ~~Development Plan~~Conditional Use Permits.

B. Coastal Development Permit review and approval pursuant to Chapter 30.210.030, Coastal Development Permit.

C. Architectural Review and approval by the Historic Landmarks Commission pursuant to Title 22 of the Santa Barbara Municipal Code.

Figure 30.100:
Cabrillo Plaza Specific Plan (SP2-CP)



Chapter 30.105 Rancho Arroyo Specific Plan (SP4-RA) Zone

Sections:

30.105.010 Purpose
30.105.020 Applicability
30.105.030 Permitted Uses and Development Regulations
30.105.040 Review Procedures

30.105.010 Purpose

The purpose of the Rancho Arroyo Specific Plan is to allow for a more precise level of planning for the Plan Area than is ordinarily possible, while at the same time, ensuring that orderly development be a guiding criterion. The Rancho Arroyo Specific Plan is also intended to provide a sufficient level of land use controls to ensure consistency with Charter Section 1507, which states that it is the policy of the City that its land development shall not exceed its public services and physical and natural resources.

30.105.020 Applicability

The regulations of this Chapter apply within the Rancho Arroyo Specific Plan (SP4-RA) Zone described in Attachment 2 of the Rancho Arroyo Specific Plan, depicted as Area "A", Area "B", and Area "C" in Figure 30.105, Rancho Arroyo Specific Plan Area, at the end of this Chapter, and mapped on the Official Zoning Map.

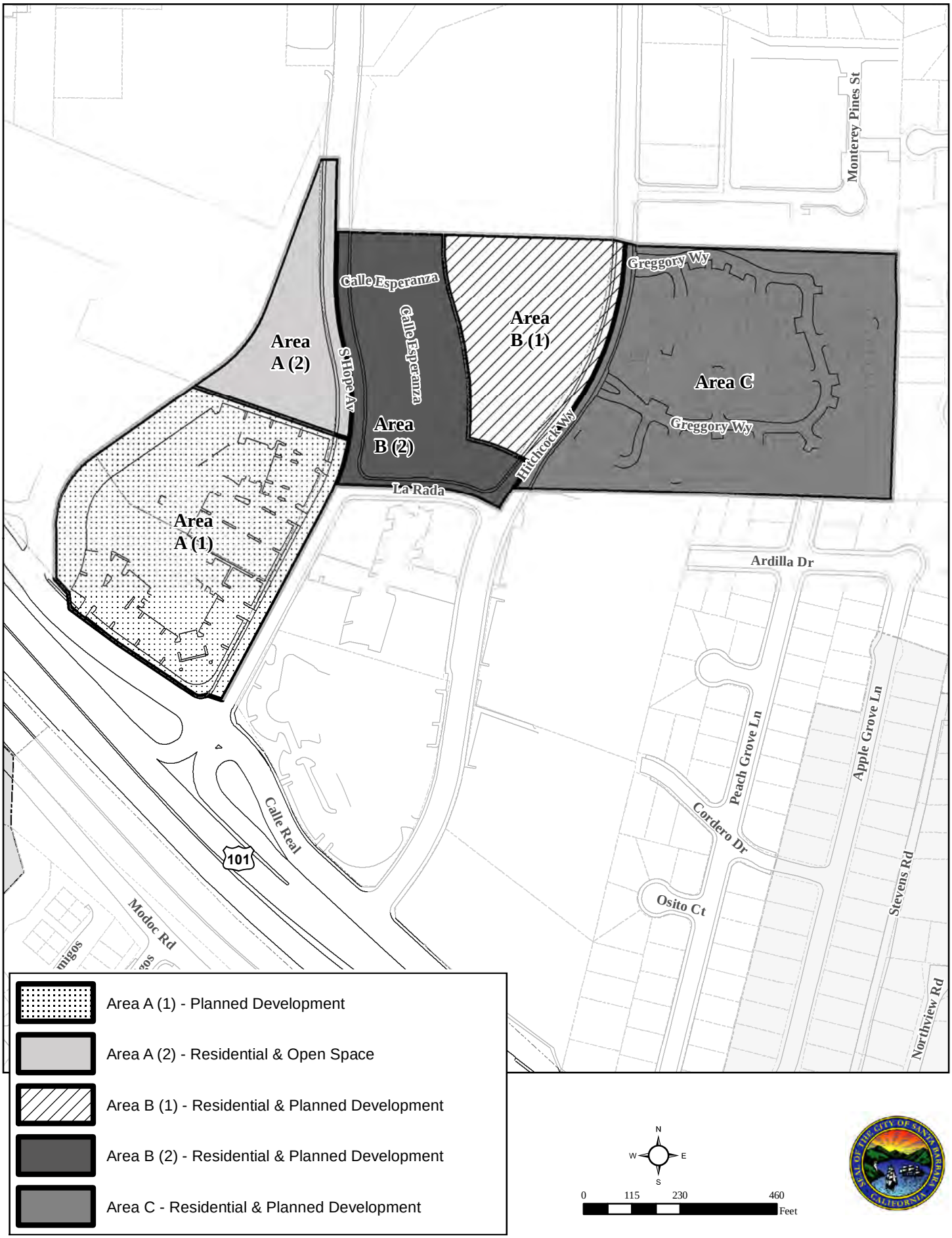
30.105.030 Permitted Uses and Development Regulations

All development within the SP4-RA Zone is subject to the Permitted Uses and Development Regulations of the Rancho Arroyo Specific Plan, as adopted by Resolution of the City Council.

30.105.040 Review Procedures

Any and all future development within the SP4-RA Zone shall conform to the provisions of the Rancho Arroyo Specific Plan. Any such development shall be subject all discretionary reviews as required by the Santa Barbara Municipal Code.

Figure 30.105:
Rancho Arroyo Specific Plan (SP4-RA)



Chapter 30.110 Westmont College Specific Plan (SP5-WC) Zone

Sections:

30.110.010 Purpose
30.110.020 Applicability
30.110.030 Land Use Regulations
30.110.040 Development Standards
30.110.050 Supplemental Standards
30.110.060 Conditions, Restrictions and Modifications
30.110.070 Design Review Requirements

30.110.010 Purpose

It is the purpose of the Westmont College Specific Plan (SP5-WC) Zone to establish a single residential unit district where affordability of the housing is ensured and where specific development standards are established to protect the natural environment and neighborhood values on property adjacent to Westmont College.

30.110.020 Applicability

The regulations of this Chapter apply within the SP5-WC Zone depicted in Figure 30.110, Westmont College Specific Plan Area, at the end of this Chapter, and mapped on the Official Zoning Map.

30.110.030 Land Use Regulations

The uses permitted in the SP5-WC Zone in the SP5-WC Land Use Map depicted on Map A shall be as follows:

A. **Land Use A – Single Unit Residential**: Uses permitted in Area A are:

1. Single Unit Residential;
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.

B. **Land Use B – Dedicated Open Space**: This area is to be maintained in a natural state to preserve 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.

C. **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 infrastructure as approved by the City.

D. **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.

E. **Land Use E – Neighborhood Recreation**: This area is to be developed as a common recreation facility available for use by residents of adjoining neighborhoods. 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.

F. **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.

30.110.040 Development Standards

A. **Allowable Density and Maximum Number of Residential Units.** The maximum density shall be no greater than 1.4 residential units per gross acre. The maximum number of residential units in this zone shall be no greater than 41 units.

B. **Affordability Requirement for Residential Units.** All residential units shall be affordable to moderate income households as defined by the City of Santa Barbara

Housing Program or its successor. Affordability requirements for every residential unit shall be subject to the review and approval of the Community Development Director. The maximum household income level shall not exceed the moderate income level as determined by the Community Development Director.

C. **Residential Lot Area Requirements.** Residential lots shall have no less than 6,500 square feet of net lot area.

D. **Maximum Height.** No structure in this zone shall exceed a height of 30 feet nor exceed the height limitations imposed for the protection and enhancement of solar access per the base zone.

E. **Front Setbacks.**

1. Residential lots fronting a street shall have a front setback from curb face of the roadway of not less than 25 feet.

2. Residential lots fronting common open space or driveways shall have a front setback of not less than 10 feet.

F. **Interior Setbacks.** There shall be interior setbacks of not less than 10 feet.

G. **Open Space and Landscaping.** Not less than 50 percent of the gross area of the property in this zone shall be a combination of Dedicated Open Space, Common Open Space, Private Active Recreation and Neighborhood Recreation, as defined in Section 30.110.030, Land Use Regulations, Land Uses B, C, D and E. Open space and landscaped areas shall dominate the site development. Such open space and landscaped areas shall include substantial useable areas for passive or active recreational use. Further, the development should present an open space and landscaped effect so that parking areas and building masses shall not dominate the scene from public view.

H. **Street Requirements.** If necessary to preserve natural terrain features or open space, the Planning Commission or City Council may grant exceptions to City street design standards as may be deemed necessary to assure that the intent of this Chapter is observed, that adequate public parking is provided, and the public welfare and safety secured.

I. **Parking.** Off-street parking shall be provided as required in Chapter 30.175, Parking Regulations. Notwithstanding Chapter 30.175, no more than five spaces shall adjoin each other without intervening landscaping areas. Parking areas shall not dominate open space and landscaping areas.

30.110.050 Supplemental Standards

A. **Requirements for Construction Phasing.** Phasing of development is permitted consistent with an approved Tentative Subdivision Map. If the sequence of construction of residential portions of the development is to occur in stages (phases) then the open space or recreational facilities shall be developed in proportion to the

number of residential units intended to be developed during any given stage of construction as approved by the Planning Commission.

B. **Mitigation Monitoring Program.** Prior to the approval of any development on the property, a Mitigation Monitoring Program consistent with the California Environmental Quality Act shall be approved by the Planning Commission.

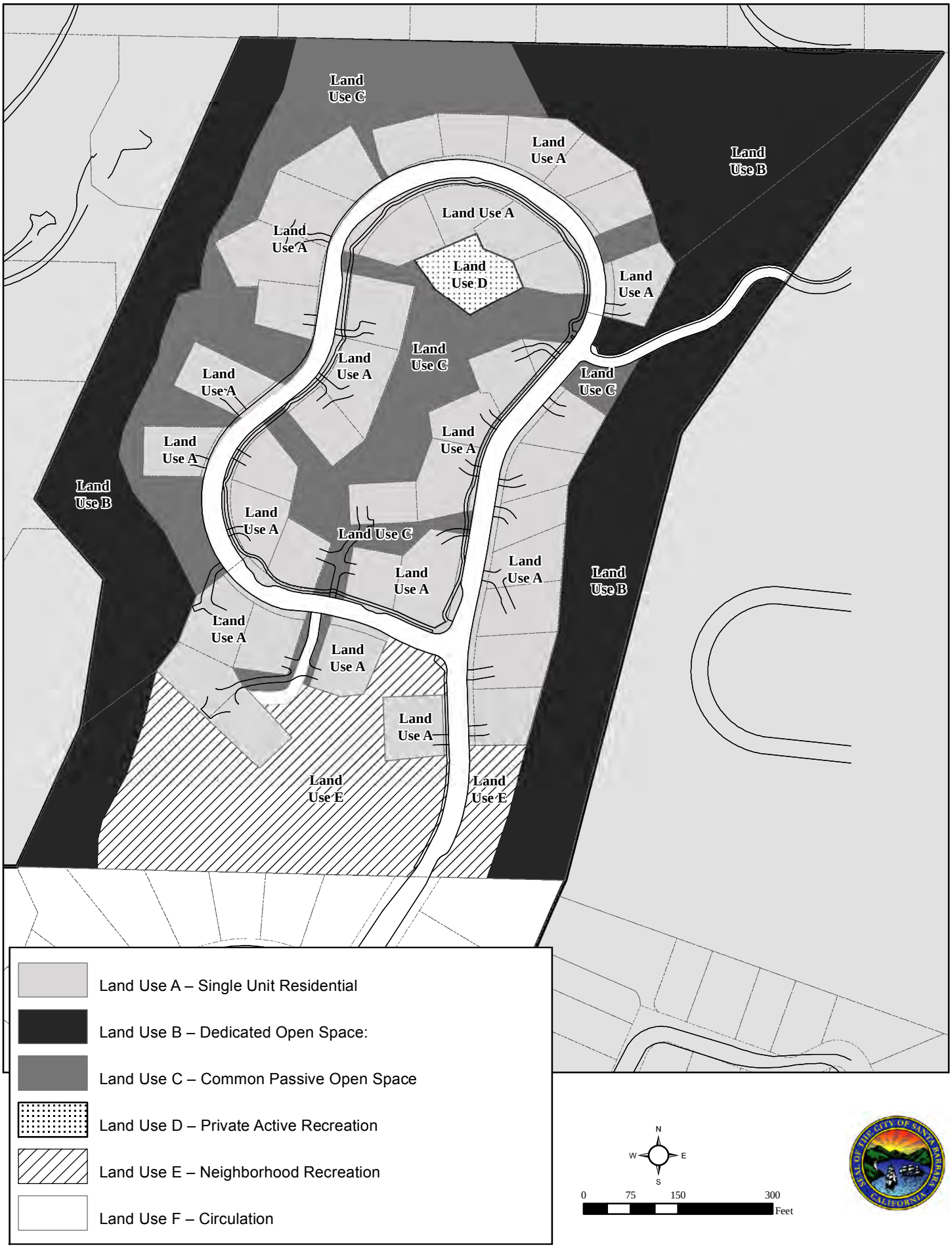
30.110.060 Conditions, Restrictions and Modifications

The Planning Commission or City Council 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. However, no Variance, Modification, or other approval shall be granted for maximum height, maximum number of residential units, or maximum residential units per acre.

30.110.070 Design Review Requirements

Notwithstanding the applicability standards of Chapter 22.69, Single Family Design Board, of the Santa Barbara Municipal Code, all development within the SP5-WC Zone shall be subject to the review and approval of the Single Family Design Board.

Figure 30.110:
Westmont College Specific Plan (SP5-WC)



Chapter 30.115 Airport Industrial Area Specific Plan (SP6-AI) Zone

Any and all future development within the SP6-AI Zone shall conform to the provisions of the Airport Industrial Area Specific Plan.

Chapter 30.120 Riviera Campus Specific Plan (SP7-RC) Zone

Sections:

30.120.010 Applicability
30.120.020 Land Use Regulations
30.120.030 Development Standards
30.120.040 Construction and Maintenance of Site and Buildings
30.120.050 Performance Standards
30.120.060 Limited Special Events for Outside Entities
30.120.070 Design Review Requirements

30.120.010 Applicability

The regulations of this Chapter apply within the Riviera Campus Specific Plan (SP7-RC) Zone depicted in Figure 30.120, Riviera Campus Specific Plan Area, at the end of this Chapter and mapped on the Official Zoning Map.

30.120.020 Land Use Regulations

A. **Permitted Land Uses.** The following land uses are permitted in the SP7-RC Zone:

1. Research and Development, limited to the Land Use Regulations in Chapter 30.65, Research and Development (RD) Overlay Zone, and Performance Standards in Chapter 30.180, Performance Standards.
2. Indoor Warehousing and Storage related to the business shall be incidental to the office or arts-related use only.
3. Commercial Entertainment and Recreation, Cinema/Theater, limited to 6,665 net square feet (approximately 453 seats).
4. Office, Business and Professional, provided that there is no retail sales and no storage of retail merchandise.
5. Business Services, limited to arts-related uses such as photography studio, film development/production, music recording/editing.
6. Artist Studio.

B. **Uses Permitted Upon the Granting of a Conditional Use Permit.** Only the following uses shall be allowed in the SP7-RC area subject to the issuance of a Conditional Use Permit.

1. ***Schools.***
2. ***Instructional Services.***
3. ***Day Care Center.*** See also Section 30.185.150, Day Care Centers.

4. Notwithstanding Section 30.185.120, Caretaker Units, up to three Caretaker Units within or attached to an existing nonresidential structure. See also Section 30.185.120, Caretaker Unit for all other standards.

30.120.030 Development Standards

A. **Site Area Standards.** The SP7-RC Zone shall consist of a lot or lots for the uses allowed by the Riviera Campus Specific Plan, and in the aggregate the area shall have a minimum net lot area of not less than two acres.

B. **Maximum Height.** No structure in the SP7-RC Zone shall exceed 35 feet in height with exception of the following structures that are allowed to be maintained or repaired at the heights indicated:

1. Furse Hall/Administration building (51.5 feet).
2. Brooks Hall/Men's Gymnasium (44 feet).
3. Quadrangle Building (39 feet).
4. Ebbets Hall (49 feet).

C. **Front and Interior Setbacks.** All structures within the SP7-RC Zone shall have a front setback of not less than 35 feet and an interior setback of not less than 25 feet.

1. Pine Hall, the Cafeteria/Music building, and Ebbets Hall shall be considered nonconforming to the front setback requirement.
2. Furse Hall (Administration building) shall be considered nonconforming to the interior setback requirement.
    a. Structures designed to replace these demolished or destroyed structures on substantially the same footprint may meet or be consistent with the existing structure setback, and additions to the structures shall not be closer than the line of the existing building parallel to the front property line at any point. Any approved additions to these buildings shall meet current requirements.

D. **Site Coverage.** Not more than 25 percent of the net site area of the SP7-RC Zone shall be covered with buildings and structures. Not more than 35 percent of the net site shall be used for open vehicle access, parking, loading and delivery. A minimum of 40 percent of the net site area of the SP7-RC Zone shall be preserved in open space (including landscaped areas, landscape features, and public walkways).

E. **Parking.** Off-street parking for uses within the SP7-RC Zone shall be provided as required in Chapter 30.175, Parking Regulations.

F. **Street Frontage Requirements.** All parcels in the SP7-RC Zone shall have street frontage and interior lot lines of not less than 150 feet each.

30.120.040 Construction and Maintenance of Site and Buildings

The owner or developer of the Riviera Campus Plan site shall construct buildings and install landscaping in strict accordance with approved plans and without substantial deviation therefrom. In addition, all buildings and landscaping shall be maintained in a clean and orderly condition.

30.120.050 Performance Standards

Any use in the SP7-RC Zone shall comply with the performance standards in Chapter 30.180, Performance Standards.

30.120.060 Limited Special Events for Outside Entities

Activities on the campus of the Riviera Campus which are sponsored or conducted by entities other than tenants of Riviera Campus shall be limited as indicated below:

A. **Weddings**. No more than 12 per year with a maximum of 250 attendees at each wedding. The wedding event shall end no later than ½ hour after sunset (dusk) or 8:30 p.m., whichever is earlier.

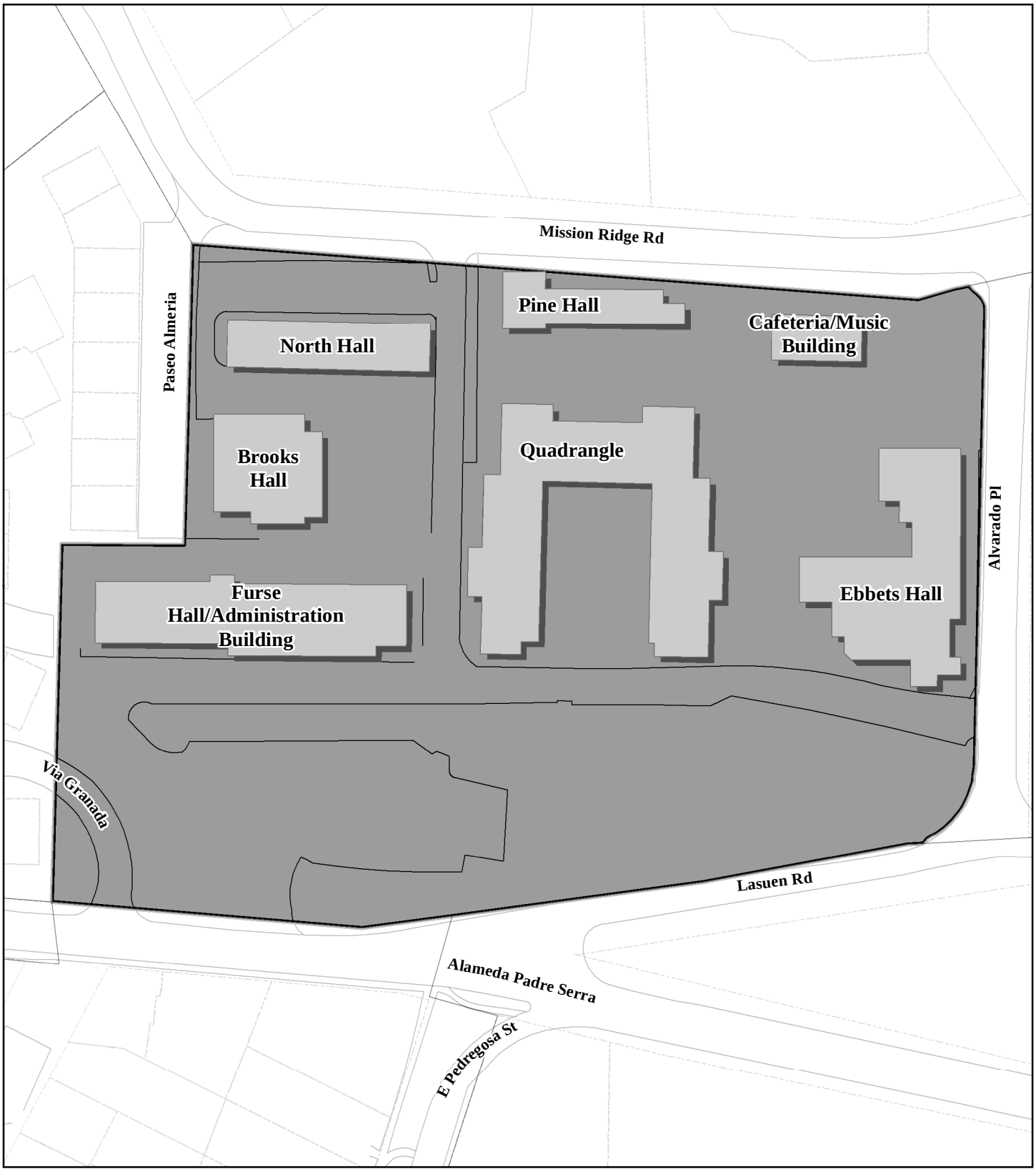
B. **Non-Profit Benefit Events**. Benefit events shall be conducted by or to support non-profit community organizations. No more than four such events per year shall be allowed, with a maximum of 400 attendees per event. Each event shall end no later than ½ hour after sunset (dusk) or 8:30 p.m., whichever is earlier.

C. **Additional Events**. Up to two additional special events beyond those outlined above may be approved with a Performance Standard Permit pursuant to Chapter 30.255, Performance Standard Permit, upon a showing that adequate parking will be provided and a community benefit will result. These special events shall be subject to the same operating standards and limitations as outlined for Non-Profit Benefit Events.

30.120.070 Design Review Requirements

The plans and elevations for all buildings and structures to be erected and all exterior alterations as defined in Chapter 22.22, Historic Structures of the Santa Barbara Municipal Code, for buildings or structures within the SP7-RC Zone shall be subject to review by the Historic Landmarks Commission.

Figure 30.120:
Riviera Campus Specific Plan (SP7-RC)



Riveria Campus Specific Plan Area

SP7-RC Buildings

N
W E
S

0 45 90 180 Feet

Chapter 30.125 Hospital Specific Plan (SP8-H) Zone

Sections:

30.125.010 Applicability
30.125.020 Land Use Regulations
30.125.030 Development Standards
30.125.040 Development Plan Required

30.125.010 Applicability

The regulations of this Chapter apply within the Hospital Specific Plan (SP8-H) Zone depicted on the SP8-H Zone Land Use Map/Site Plan (dated as of April 26, 2005) on file with the City Clerk of the City and mapped on the Official Zoning Map.

30.125.020 Land Use Regulations

The land uses permitted in the SP8-H Zone with respect to the three zone areas shown, as depicted on the SP8-H Zone 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, Automated Teller Machine (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. Medical and Dental Offices.

5. Business and Professional Offices, limited to offices related to the medical and dental field.

6. Skilled Nursing Facilities, subject to the issuance of a Conditional Use Permit.

7. Clinics.

8. Birth Centers.

9. General Retail, limited to pharmacies and 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.

10. Banks and Financial Institutions with 1,000 square feet of net floor area or less per lot. Banks with more than 1,000 square feet of net floor area per lot are subject to the issuance of a Performance Standard Permit.

11. Community Care Facilities, Residential Care Facilities for the Elderly, and Hospices serving up to 12 individuals. More than 12 individuals are subject to the issuance of a Conditional Use Permit. See also Section 30.185.140, Community Care Facilities, Residential Care Facilities for the Elderly, and Hospices.

12. Small and Large Family Day Care Homes. See also Section 30.185.230, Large Family Day Care Homes.

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 and parking structures;
2. Business and Professional Offices, limited to offices related to the medical and dental field.
3. General Retail, limited to pharmacies and gift stores, and 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.
4. Personal Services.
5. Eating and Drinking Establishments.
6. Automated Teller Machines (ATM)
7. Any residential use permitted in the R-M Residential Multi-Unit Zone.
8. Medical and Dental Office.
9. Hospitals and Skilled Nursing Facilities subject to the issuance of a Conditional Use Permit.
10. Banks and Financial Institutions with 1,000 square feet of net floor area or less per lot. Banks with more than 1,000 square feet of net floor area per lot are subject to the issuance of a Performance Standard Permit.
11. Community Care Facilities, Residential Care Facilities for the elderly, and Hospices serving up to 12 individuals. More than 12 individuals are subject to the issuance of a Conditional Use Permit.
12. State-licensed Small and Large Family Day Care Homes. See also Section 30.185.230, Large Family Day Care Homes.
13. Birth Centers.
14. Clinics.
15. 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. **Land Use Area C – Parking Structure; Child Care Facility**. The uses and structures allowed in Land Use Area C are:

1. Day Care Center. See also Section 30.185.150, Day Care Centers.
2. Open parking lots and parking structures.
3. Any residential use permitted in the R-M Residential Multi-Unit Zone.

4. Medical and Dental Office.
5. Business and Professional Offices, limited to offices related to the medical and dental field.
6. Hospitals and Skilled Nursing Facilities, subject to the issuance of a Conditional Use Permit.
7. General Retail, limited to pharmacies and 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.
8. Banks and Financial Institutions with 1,000 square feet of net floor area or less per lot. Banks with more than 1,000 square feet of net floor area per lot are subject to the issuance of a Performance Standard Permit.
9. Community Care Facilities, Residential Care Facilities for the Elderly, and Hospices serving up to 12 individuals. More than 12 individuals are subject to the issuance of a Conditional Use Permit. See also Section 30.185.140, Community Care Facilities, Residential Care Facilities for the Elderly, and Hospices.
10. State-licensed Small and Large Family Day Care Homes. See also Section 30.185.230, Large Family Day Care Homes.
11. Birth Centers.
12. Clinics.
13. 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.

30.125.030 Development Standards

A. **Maximum Height.**

1. In Land Use Area A, no new structure shall exceed 60 feet in height. Existing structures in Land Use Area A which exceed 60 feet in height ("Nonconforming Buildings") are allowed to be maintained or repaired at their existing heights as permitted in accordance with this Code. In the event that the Nonconforming Buildings are damaged or destroyed, reconstruction shall be carried out in accordance with the provisions contained in Chapter 30.165, Nonconforming Structures, Site Development, and Uses.
2. In Land Use Areas B and C, no structure shall exceed 45 feet in height.

3. Building elements that do not add floor area to the acute care hospital building, such as vents, elevator penthouses, helipads, chimneys, mechanical equipment, antennae and towers are not considered a part of the height of the structure.

B. **Front Setbacks.** There shall be a front setback of not less than 10 feet for all structures in Land Use Areas A, B & C.

C. **Interior Setbacks.** There shall be interior setbacks of not less than 10 feet for all structures in Land Use Areas A, B & C. Notwithstanding the foregoing, however, for a parking structure in Land Use Area C there shall be interior setbacks of no less than 10 feet provided that, if the area of the structure that encroaches into the interior setback is compensated for by having an equal or greater unobstructed area outside the interior setback, the 10 foot setback may be reduced to 4.5 feet for a distance of up to 80 lineal feet.

D. **Parking.**

1. Notwithstanding Chapter 30.175, Parking Regulations, the parking needs for development within the SP8-H Zone shall be evaluated on a project-specific site and use basis. Parking shall be provided to meet parking needs as justified through a written parking analysis and evaluation prepared by a transportation engineer and subject to review and approval by the Planning Commission or Transportation and Parking Manager as appropriate.

2. The parking evaluation shall consider both peak and non-peak parking demands considering the number of employees, doctors and nursing staff, patients, visitors and other relevant data, including parking and transportation demand management practices. Parking for development projects shall be provided in parking structures or parking lots within the SP8-H Zone.

3. Parking may be provided within the SP8-H Zone for other real properties outside the SP8-H Zone so long as such parking is consistent with a parking and transportation management plan which has been reviewed and approved by the Planning Commission or City Transportation and Parking Manager, as deemed appropriate by the Community Development Director.

30.125.040 ~~Development Plan~~Conditional Use Permit Required

All new development proposed in this zone shall be subject to ~~Development Plan~~Conditional Use Permit review and approval by the Planning Commission in the manner and as required by Chapter 30.~~230~~215, ~~Development Plan~~Conditional Use Permit, and upon making a finding that the appearance of the developed site in terms of the arrangement, height, scale, and architectural style of the buildings, location of parking areas, landscaping and other features is compatible with the character of the existing SP8-H Zone area and the neighborhood.

Chapter 30.130 Veronica Meadows Specific Plan (SP9-VM) Zone

Sections:

30.130.010 Purpose
30.130.020 Area Map
30.130.030 Land Use Regulations

30.130.010 Purpose

It is the purpose of the Veronica Meadows Specific Plan (SP9-VM) Zone to maintain a semi-rural setting and protect the natural environment.

30.130.020 Area Map

The regulations of this Chapter apply within the SP9-VM Zone depicted in Figure 30.130, Veronica Meadows Specific Plan Area, at the end of this Chapter and shown on the Official Zoning Map.

30.130.030 Land Use Regulations

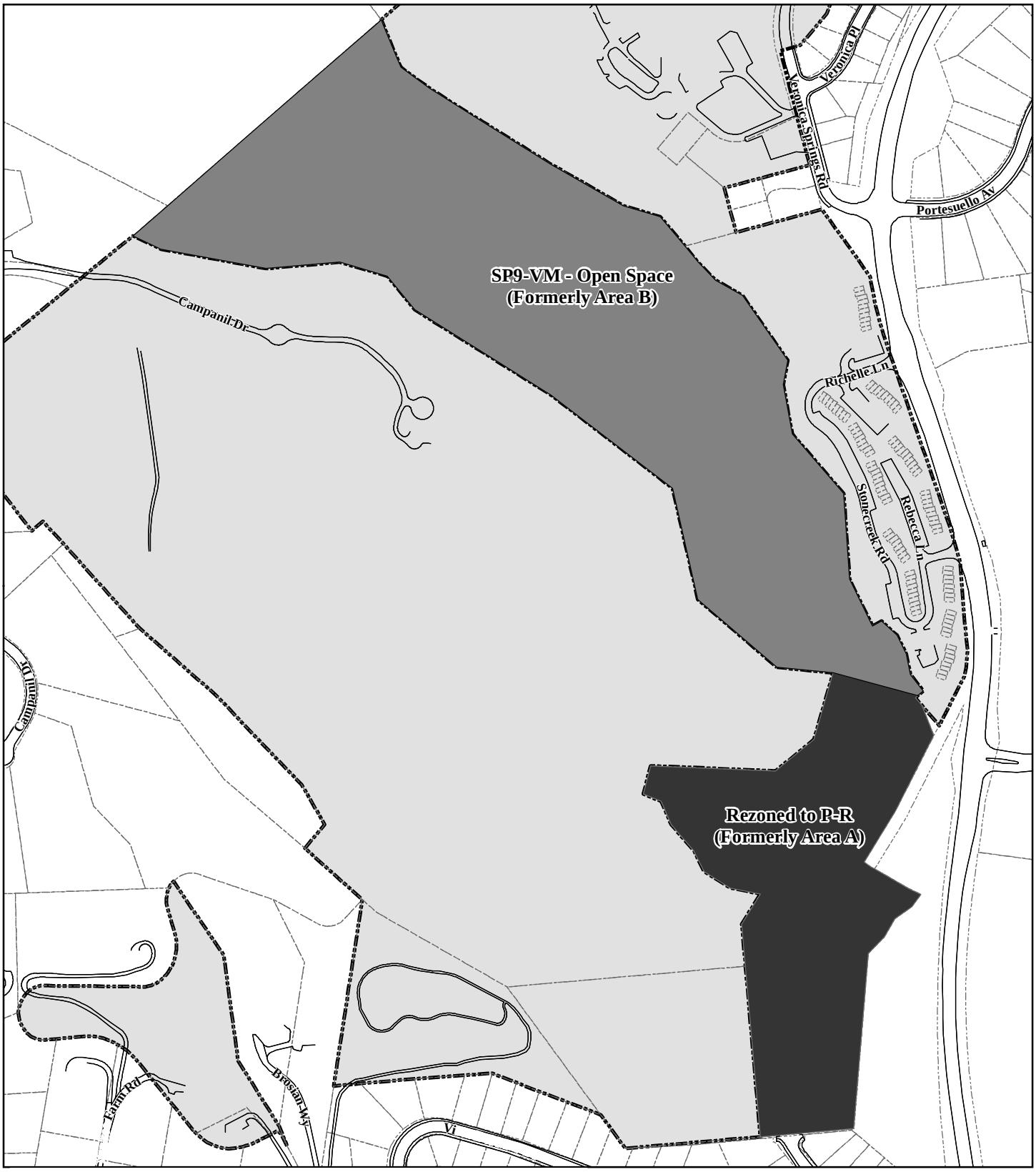
The SP9-VM Zone shall be maintained in its natural state to preserve the steep slopes from erosion or landslide, preserve the creek environment, and maintain the scenic quality of the area. No development is permitted under any circumstances, except for the following:

A. Public trails along the Arroyo Burro Creek corridor.

B. Brush removal, not including trees, for fire protection purposes, subject to Municipal Code provisions for vegetation removal.

C. Subsurface utilities, flood control projects or other infrastructure as approved by the City.

Figure 30.130:
Veronica Meadows Specific Plan (SP-VM)



SP9-VM - Open Space (Formerly Area B)

Rezoned to P-R (Formerly Area A)

City Limits

N
W E
S

0 170 340 680 Feet

Chapter 30.135 Los Portales Specific Plan (SP10-LP) Zone

Sections:

30.135.010 Purpose
30.135.020 Applicability
30.135.030 Land Use Regulations
30.135.040 Development Standards
30.135.050 Design Review Required

30.135.010 Purpose

It is the purpose of the Los Portales Specific Plan to establish a price-restricted multi-unit residential housing overlay zone on a property currently zoned M-I. It is the intent of the Los Portales Special Plan to allow a residential development of 48 condominium units within the Specific Plan area that provides a level of affordability equal to or greater than the terms specified in the Plan.

30.135.020 Applicability

The regulations of this Chapter apply within the Los Portales Specific Plan (SP10-LP) Zone depicted in Figure 30.135, Los Portales Specific Plan Area, at the end of this Chapter and mapped on the Official Zoning Map.

A. **Ordinance No. 5479.** In addition to the regulations of this Chapter, the provisions of Ordinance No. 5479, adopted February 24, 2009, apply.

30.135.030 Land Use Regulations

The following uses are permitted in the Special Plan Area:

A. Any use permitted in the M-I Zone subject to the restrictions and limitations applicable in the M-I Zone.

B. Multi-Unit Residential development consisting of attached residential units, subject to the following conditions:

   1. Any residential use proposed within the Specific Plan Area shall be subject to the price, occupancy, and employment restrictions specified in Price Restricted Housing Provision of the Los Portales Specific Plan, and

   2. Any condominium development shall comply with Title 27, Subdivisions, of the Santa Barbara Municipal Code; however, Santa Barbara Municipal Code Section 27.13.040, which prohibits residential condominium development in the M-I Zone, shall not apply in the Los Portales Specific Plan area, and

   3. The residential project shall substantially conform to the plans approved by the Planning Commission and signed by the Commission Chair dated August 21, 2008, as determined by the Community Development Director.

30.135.040 Development Standards

A. **Maximum Height.** Regardless of use, no structure shall exceed four stories or a height of 60 feet.

B. **Front and Interior Setback Requirements.** No front or interior setbacks are required for projects that provide a residential component that satisfies the price, occupancy, and employment restrictions specified in the Price Restricted Housing Provision of the Los Portales Specific Plan. All other projects shall observe the setback requirements of the M-I Zone.

C. **Distance Between Buildings on the Same Lot.** No separation between buildings is required; except, all main buildings used exclusively for residential purposes shall be no closer than 10 feet to any other main building on the same lot.

D. **Maximum Number of Dwelling Units Allowed.** No residential project developed pursuant to the Los Portales Specific Plan shall exceed 48 residential units.

E. **Open Yard.** Open Yard for any residential development shall be provided pursuant to Section 30.140.150, Open Yards.

F. **Parking.** Parking shall be provided as required in Chapter 30.175, Parking Regulations; however, the following exceptions to those requirements shall be allowed for projects that provide a residential component that satisfies the price, occupancy, and employment restrictions specified in the Price Restricted Housing Provision of the Los Portales Specific Plan:

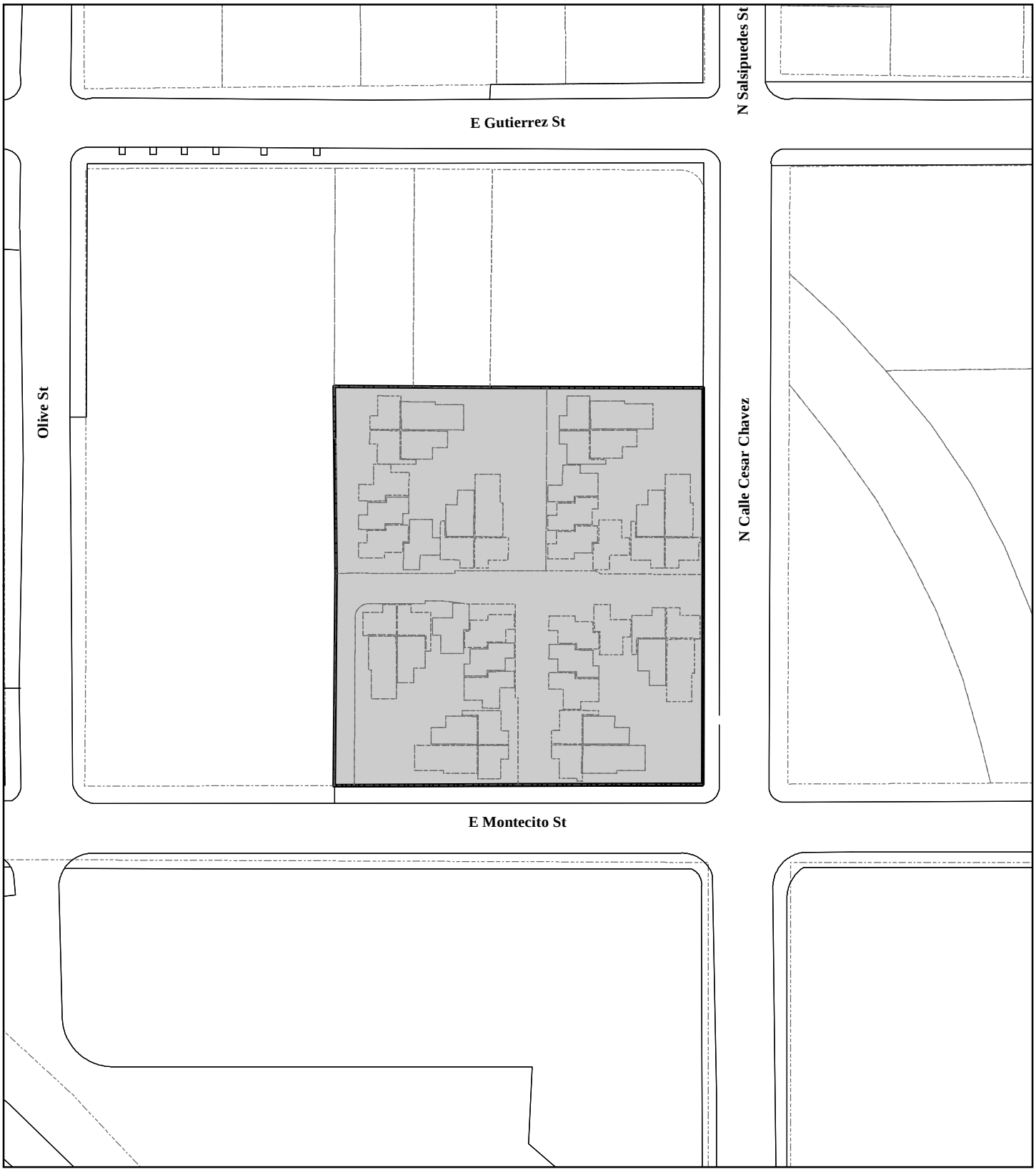
   1. ***Tandem Parking.*** The required parking for residential units may be provided in a tandem configuration.

   2. ***Off-Site Guest Parking.*** Required off-street guest parking spaces for a residential use may be provided on the same lot as the use served, or on another lot, subject to the same terms and conditions on which commercial off-site parking is allowed pursuant to Chapter 30.175, Parking Regulations.

30.135.050 Design Review Required

Any development within the SP10-LP Zone shall be subject to the review of the Architectural Board of Review.

Figure 30.135:
Los Portales Specific Plan (SP10-LP)



Las Portales Specific Plan Area

0 37.5 75 150 Feet

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Division III: Citywide Regulations

Chapter 30.140 General Site Regulations

Sections:

30.140.010 Purpose and Applicability
30.140.020 Accessory Buildings
30.140.030 Building Attachment
30.140.040 Demolition
30.140.050 Development Adjacent to Unincorporated Lots
30.140.060 Development Along Mission Creek
30.140.070 Development on Lots Divided by Zone Boundaries
30.140.080 Development on Substandard Lots
30.140.090 Discontinuation of Use
30.140.100 Encroachments into Setbacks and Open Yards
30.140.110 Exceptions to Height Limitations
30.140.120 Fences and Hedges
30.140.130 Location of Lot Lines
30.140.140 Mechanical and Other Equipment
30.140.150 Open Yards
30.140.160 Residential Unit
30.140.170 Setbacks
30.140.180 Solar Access Height Limitations
30.140.190 Street Frontage and Access
30.140.200 Street Widening Setback Lines
30.140.210 Swimming Pools, Spas, and Similar Uses
30.140.220 Variable Density in Certain Zones
30.140.230 Visibility at Driveways and Intersections
30.140.240 Waste, Recycling, and Outdoor Storage

30.140.010 Purpose and Applicability

The purpose of this Chapter is to prescribe development and site regulations that apply, except where specifically stated, to development in all zones. These standards shall be used in conjunction with the standards for each zone established in Division II, Zone Regulations. In any case of conflict, the more restrictive standards shall apply.

30.140.020 Accessory Buildings

A. **Applicability.** The provisions of this Section apply to all attached and detached covered parking, and all other detached accessory buildings and structures having a solid roof supported by columns or walls located on lots developed with Residential, Agriculture, Community Garden, or Market Garden uses. Attached accessory buildings consistent with Section 30.140.030, Building Attachment, are not subject to this Section, and are considered part of the main building subject to all of the standards and regulations of the main building.

B. **Types of Accessory Buildings.** Accessory buildings may include, but are not limited to, nonlivable buildings used as garages, carports, workshops, barns, greenhouses, agricultural buildings, pens, stables, sheds, and storage rooms; and livable floor area such as detached bedrooms, playrooms, or guestrooms.

C. **Residential Units in Accessory Buildings.** Unauthorized or unpermitted Residential Building Elements listed in Subsection 30.140.160.~~(~~E~~)~~ Determination of Residential Unit shall not be installed in an accessory building without first obtaining all required City approvals and permits. Bathing facilities, or more than one sink, or a kitchen are prohibited unless approved as a residential unit, or pursuant to Subsection 30.140.020.D, Additional Residential Building Elements, below, and a Performance Standard Permit, Chapter 30.255.

D. **Additional Residential Building Elements.** The additional residential building elements that may be considered for a Performance Standard Permit, are limited to those which in the determination of the Community Development Director would not result in separate residential occupancy. The Performance Standard Permit shall include a Recorded Agreement providing for the automatic expiration of limited term approvals, or rescission of the permit or approval, if the City determines there is evidence of separate residential occupancy.

E. **Relation to Existing Structures.** A detached accessory building may only be constructed on a lot on which there is a permitted main building to which the accessory building is related, with the exception of accessory buildings used for Agriculture, Community Garden, or Market Garden uses, pursuant to Section 30.185.070, Agriculture, and Section 30.185.130, Community and Market Gardens.

F. **Setbacks.** Accessory buildings shall comply with the minimum setback requirements of the zone. Accessory buildings used for the care and keeping of animals shall be subject to the distance limitations in Title 6 of the Santa Barbara Municipal Code.

G. **Maximum Height.** Accessory buildings shall not exceed two stories and 30 feet in height.

H. **Front Yard Limitation.** Detached accessory buildings, except covered parking, are prohibited in a front yard.

I. **Design Review Required.** Design review approval by the appropriate Design Review body pursuant to Title 22 of the Santa Barbara Municipal Code shall be required for new accessory buildings, and additions or exterior alterations to existing buildings for the following, with the exception of any floor area proposed for use as an Accessory Dwelling Unit approved under Section 30.185.040:

1. Detached accessory buildings greater than 500 square feet, or
2. Buildings, or portions of buildings, providing covered parking, resulting in three or more covered parking spaces on the lot.

J. **Maximum Floor Area.** In all zones, on lots developed with a single residential unit, Agriculture pursuant to Section 30.185.070, or Community and Market Gardens pursuant to Section 30.185.130, the maximum floor area for attached or detached covered parking and other detached accessory buildings is as follows:

1. ***Maximum Total Square Footage Per Lot.***

   a. *Lots less than 20,000 square feet:* 1,000 square feet

   b. *Lots 20,000 square feet up to one acre:* 1,250 square feet

   c. *Lots one acre up to three acres:* 1,500 square feet

   d. *Lots three acres or larger:* 1,750 square feet

2. ***Covered Parking.*** Detached accessory buildings in excess of 500 square feet shall not be permitted unless the total amount of required covered parking is provided per Chapter 30.175, Parking Regulations.

3. ***Maximum in a Single Building.*** The maximum floor area in any single detached building shall not exceed 1,250 square feet.

4. ***Maximum Livable Floor Area.*** The maximum detached livable floor area per lot shall not exceed 500 square feet.

30.140.030 Building Attachment

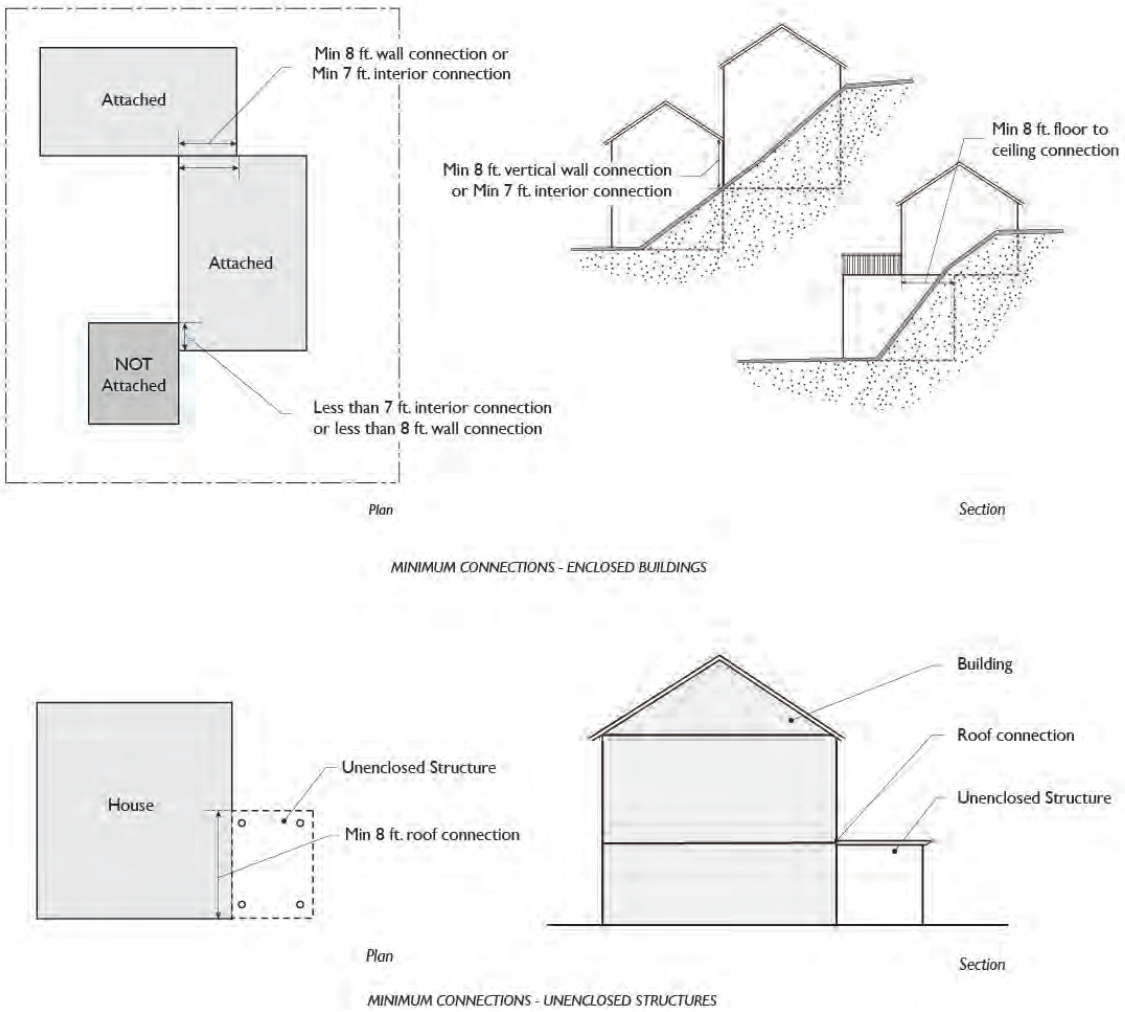
A. **Applicability.** The provisions of this section apply to all buildings and structures having a solid roof supported by columns or walls. If a building or roofed structure or portion of a building or roofed structure, does not meet the minimum connection standards of Subsection 30.140.030.B, Required Minimum Connection, below, the building or roofed structure, or portion of a building or roofed structure, shall be subject to all of the standards and limitations for separate main or accessory buildings in this Title.

B. **Required Minimum Connection.** Buildings or roofed structures shall be considered attached when the structures meet the following minimum connection standards.

1. ***Enclosed Buildings.*** Enclosed buildings shall be considered attached when the buildings share a minimum of eight feet by eight feet of common building wall, or floor to ceiling connection; or share a minimum of seven feet by seven feet of interior connection, such as a hallway or room.

2. ***Unenclosed Structures.*** Unenclosed roofed structures such as carports, patio covers, or similar, shall be considered attached when they share a solid roof connection with a minimum dimension of eight feet. An unenclosed structure, such as a breezeway, shall not be used to attach enclosed buildings.

FIGURE 30.140.030: BUILDING ATTACHMENT



30.140.040 Substantial Redevelopment~~Demolition~~

A. **Substantial Redevelopment~~Demolition~~.** A substantial redevelopment ~~demolition~~ occurs when a structure is either completely demolished or at least two of the three conditions below are completed within any five-year period. For the purposes of this Section, prior work shall not be considered complete unless a final inspection has occurred or a certificate of occupancy has been issued for the permit. If work occurred without a valid building permit, the five-year period begins upon City issuance of a Notice of Violation for the unpermitted work. The determination of substantial redevelopment ~~a demolition~~ pursuant to this Section shall not alter the meaning of the term "demolition" with regard to a historic resource, where demolition is defined in Santa Barbara Municipal Code Section 22.22.020, Definitions, or with regard to the application of State Title 24, Building Standards Codes:

1. More than 50 percent of the structural elements of the roof or roof framing is removed.
2. More than 50 percent of the structural exterior walls (or vertical supports such as posts or columns when a structure has no walls) of a structure are removed or are no longer a necessary and integral structural component of the overall building.
3. More than 50 percent of the foundation system is removed, or is no longer a necessary and integral structural component of the overall structure, including, but not limited to: perimeter concrete foundation, retaining walls, post and pier foundations, or similar element(s) that connect a structure to the ground and transfers gravity loads from the structure to the ground.

B. **Calculation.** The calculation for determining whether a wall has been demolished or redeveloped will be based on a horizontal measurement of the perimeter exterior wall removed between the structure's footings and the structure's ceiling. The calculation for determining whether the roof or foundation system has been demolished or redeveloped will be based on the lineal feet of the foundation system, count of post and piers, or overall square footage of that individual element.

C. **Structures without Walls or Roofs.** Fences, patios, decks or similar, shall be considered demolished or redeveloped when more than 50 percent of either the lineal feet or area of the structure is removed.

D. **Review of Substantial Redevelopment~~Demolition~~ within Historic or Landmark Districts or of Designated City Landmarks.** The structure, site and landscaping plans shall be subject to the review and approval of the Architectural Board of Review, or the Historic Landmarks Commission if the property is located within El Pueblo Viejo Landmark District or another historic or landmark district, or if the structure is a designated City Landmark, or the City Council on appeal.

30.140.050 Development Adjacent to Unincorporated Lots

Where development is subject to limitations based upon the adjacent lot, and the adjacent lot is located outside the City of Santa Barbara City Limit, the adjacent lot shall be regarded as within the City of Santa Barbara in a zone most similar in terms of allowed uses or maximum residential density to the lot's zoning in the subject jurisdiction, as determined by the Community Development Director.

30.140.060 Development Along Mission Creek

A. **Purpose.** The purpose of this Section is to provide controls on development adjacent to the bed of Mission Creek within the City of Santa Barbara. These controls are necessary:

1. to prevent undue damage or destruction of developments by flood waters;
2. to prevent development on one parcel from causing undue detrimental impact on adjacent or downstream properties in the event of flood waters; and

3. to protect the public health, safety and welfare.

B. **Applicability.** No person may construct, build, or place a development within the area described in Subsection 30.140.060.C, Development Limitation Area, unless said development has been previously approved as provided in Subsection 30.140.060.E, Approval Required. The development must also comply with the City of Santa Barbara's adopted Floodplain Management regulations.

C. **Development Limitation Area.** The limitations of this Section shall apply to all land within the area of the Mission Creek watercourse pursuant to Section 30.15.040, Determining Area of a Watercourse, and all land located within 25 feet of the top of either bank of Mission Creek within the City of Santa Barbara.

D. **Development Defined.** Development, for the purposes of this Section, shall include any structure requiring a building permit; the construction or placement of a fence, wall, retaining wall, steps, deck (wood, rock, or concrete), or walkway; any grading; or, the relocation or removal of stones or other surface which forms a natural creek channel.

E. **Approval Required.** Prior to construction of a development in the area described in Subsection 30.140.060.C, Development Limitation Area, the property owner shall obtain approvals as follow:

1. Any development subject to the requirement for a building permit shall be reviewed and approved by the Community Development Director or the Planning Commission on appeal, prior to the issuance of a building permit.

2. Any development not requiring a building permit shall be reviewed and approved by the Community Development Director, or the Planning Commission on appeal. A description of the development shall be submitted showing the use of intended development, its location, size and manner of construction.

F. **Development Standards.** No development in the area subject to this Section shall be approved unless it is found that it will be consistent with the purposes set forth in Subsection 30.140.060.A, Purpose.

1. The Community Development Director, or the Planning Commission on appeal, shall consider the following in determining whether the development is consistent with Subsection 30.140.060.A, Purpose:

a. That the proposed new development, additions, alterations, and improvements, will not significantly reduce existing floodways, re-align stream beds or otherwise adversely affect other properties by increasing stream velocities or depths, or by diverting the flow, and that the proposed new development will be reasonably safe from flow-related erosion and will not cause flow-related erosion hazards or otherwise aggravate existing flow-related erosion hazards.

b. That proposed reconstruction of structures damaged by fire, flood or other calamities will comply with Subparagraph 1.a above, or be less

nonconforming than the original structure and will not adversely affect other properties.

c. The report, if any, of a qualified soils engineer or geologist and the recommendations of the Santa Barbara County Flood Control and Water Conservation District.

d. Whether denial of approval would cause severe hardship or prohibit the reasonable development and use of the property.

2. The Community Development Director, or the Planning Commission on appeal, may consider the following factors as mitigating possible hazards which might otherwise result from such development:

a. Where the development is located on a bank of the creek which is sufficiently higher than the opposite bank to place the development outside a flood hazard area.

b. Where the creek bed adjacent to the development is sufficiently wide or the creek bank slope sufficiently gradual that the probability of flood hazard is reduced.

c. Where approved erosion or flood control facilities or devices have been installed in the creek bed adjacent to the development.

d. Where the ground level floor of the development is not used for human occupancy and has no solid walls.

e. Where the development is set on pilings so that the first occupied floor lies above the 100-year flood level, and such pilings are designed to minimize turbulence.

3. The Staff Hearing Officer, or the Planning Commission on appeal, may grant a Modification to required Open Yards or setbacks required by the applicable zone, pursuant to Chapter 30.250, Modifications, in order to enable a structure to comply with the Development Limitation Area in Subsection 30.140.060.C, or to be relocated to a safer or more appropriate location on the lot.

G. **Procedures.** The following procedures shall apply to developments in the area defined in Subsection 30.140.060.C, Development Limitation Area:

1. All applicants shall receive an environmental assessment.

2. All applications shall be referred to the Santa Barbara County Flood Control and Water Conservation District and the City Parks and Recreation Department Creeks Division for review and comment.

3. Upon completion of the above review and comment, the proposed development shall be reviewed by the Community Development Director as provided in Subsection 30.140.060.E, Approval Required. The Community Development Director shall give the applicant and any other person requesting to be heard, an opportunity to submit oral or written comments prior to a decision.

The Community Development Director shall send by mail notice of the decision to the applicant. The decision of the Community Development Director shall be final unless appealed by the applicant or any interested person to the Planning Commission within 10 days by the filing of a written appeal with the Community Development Department. The Community Development Department shall schedule the matter for a noticed public hearing by the Planning Commission pursuant to 30.205, Common Procedures. The decision of the Planning Commission shall be final.

30.140.070 Development on Lots Divided by Zone Boundaries

A. **Generally.** Where a lot is divided by a zone boundary, the regulations applicable to each zone shall be applied to the area within the zone, and no use, other than parking serving a principal use on the site, shall be located in a zone in which it is not an allowed use.

B. **Accessory Facilities.** Accessory landscaping, fences, screening or retaining walls, and usable open space may be located on the lot without regard for zone boundaries but must comply with the standards of the applicable zone.

C. **Density.** The maximum density allowed, if any, shall be calculated according to the lot area within each zone and the corresponding allowable density for that zone, and distributed as follows:

1. ***Residential Single Unit Zones.*** Up to the allowable density for the Residential Single Unit portion of the site may be located on the area of the lot in the Residential Single Unit Zone. If the lot is divided by multiple RS Zone designations, then the allowed density is one unit per lot.

2. ***Other Zones.*** The resulting maximum permitted number of units may be distributed on the lot without regard for zone boundaries, as long as all portions of the project comply with the development standards of the zone in which they are located and all other provisions of this Section.

30.140.080 Development on Substandard Lots

A. Any lot or parcel of land that was legally created may be used as a building site even when consisting of less area or lot dimensions than that required by the regulations for the zone in which it is located. Lot area per residential unit requirements and all other provisions of this Title shall apply. No substandard lot shall be subdivided or further reduced in area or dimensions unless required for a public purpose by a public agency or unless granted a Modification pursuant to Chapter 30.250, Modifications.

B. Where any existing parcel of land is reduced in size or lot dimensions below those required by this Title by reason of the acquisition or dedication of a portion thereof, along any perimeter of such parcel for any public purpose by any public agency, such parcel as so reduced shall be considered as conforming to the provisions of this Title as a legal lot. This Section shall not apply to property acquired by a public agency as part of a subdivision of more than one lot:

1. Minimum lot area and street frontage required by this Title shall not apply.
2. In applying residential density requirements, the area of such lot shall be considered as that which existed immediately prior to such acquisition or dedication.
3. All setbacks and other development standards shall be measured and calculated from the resulting lot line created by said acquisition or dedication.

30.140.090 Discontinuation of Use

A. **Nonresidential Use.** A use shall be considered discontinued when the use ceases for a period of 12 consecutive months and evidence that the use has been discontinued occurs. The 12-month limitation may be extended to a maximum of 24 additional months at the Community Development Director's sole discretion if due diligence in obtaining permits has been demonstrated. Elements to be considered in determining whether a use has been discontinued include, but are not limited to, any combination of the following:

1. Site is vacated;
2. Business license or other required license lapse;
3. Building is closed for business;
4. There are no persons, materials, equipment, or products occupying the buildings, structures, or site;
5. Utilities are terminated; or
6. Lease is terminated.

B. **Residential Use.** A legal residential use shall not be considered discontinued, regardless of the length of time of non-use.

30.140.100 Encroachments into Setbacks and Open Yards

A. **Applicability.** Required setback and open yard areas shall be open, unenclosed, and unobstructed by structures from the ground upward, except as provided in this Section. The provisions of this Section do not apply to Development Along Mission Creek, pursuant to Section 30.140.060, Street Widening Setbacks, pursuant to Section 30.140.200, or public utility easements which are to remain unobstructed.

B. **Limitations.** The following limitations shall apply to all allowed encroachments:

1. Encroachments shall not provide floor area within a building or structure;
2. Structures constructed below grade, or less than ten inches above existing grade, are not considered an encroachment;
3. Enclosures for any encroachment are subject to the same setback and distance requirements as the encroachment.

4. Encroachments up to the maximum allowed by this Section may be made in both conforming and nonconforming setbacks and open yards, provided the minimum distance to the property line is met; and

5. Encroachments are subject to the applicable requirements of the Building Code.

C. **General Encroachments.** The following may encroach into both setbacks and open yards, subject to the specified standards:

1. ***Architectural Projections.*** A cantilevered architectural building projection, such as awnings, cornices, eaves, and canopies, located at least 30 inches above adjacent grade and at least 18 inches above finish floor, may encroach up to three feet into any setback or open yard, but shall be no closer than two feet to any property line and shall have a minimum of seven feet vertical clearance below. Rain gutters may encroach an additional six inches beyond the roof eave.

2. ***Balconies and Upper Story Decks.*** An uncovered balcony or upper story deck may encroach up to three feet into a front setback or open yard, but shall be no closer than two feet to any property line and subject to the following:

   a. *Size.* The overall size of each balcony or upper story deck shall be limited to a maximum of six feet deep and 16 feet wide, excluding railings.

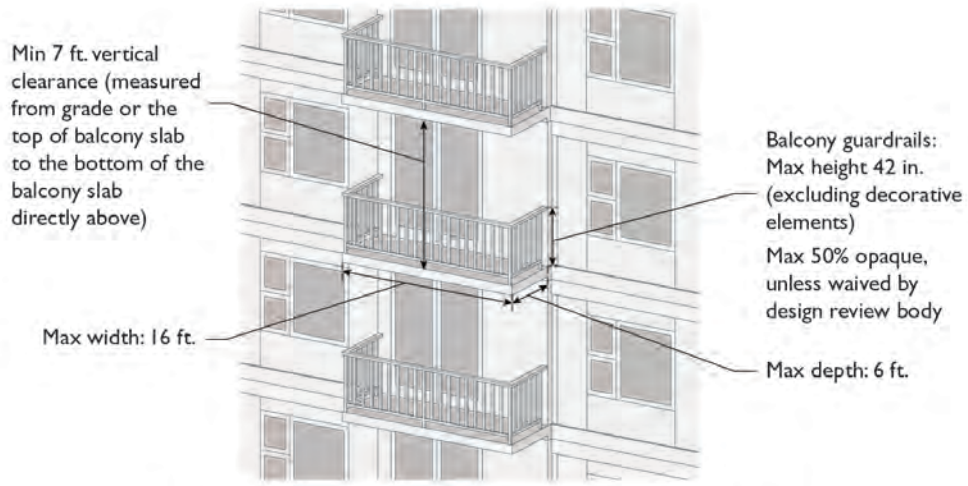
   b. *Ground Supports.* No new ground supports for the balcony or upper story deck may be located in the setback or open yard.

   c. *Vertical Clearance.* The cantilevered portion of the balcony or upper story deck shall have a minimum vertical clearance of seven feet.

   d. *Uncovered.* A balcony or upper story deck shall be uncovered by any structure other than an awning. However, a balcony or upper story deck may be placed above another balcony or upper story deck if there are no horizontal connections of any kind between balconies and upper story decks except the wall from which the balconies and upper story decks are cantilevered.

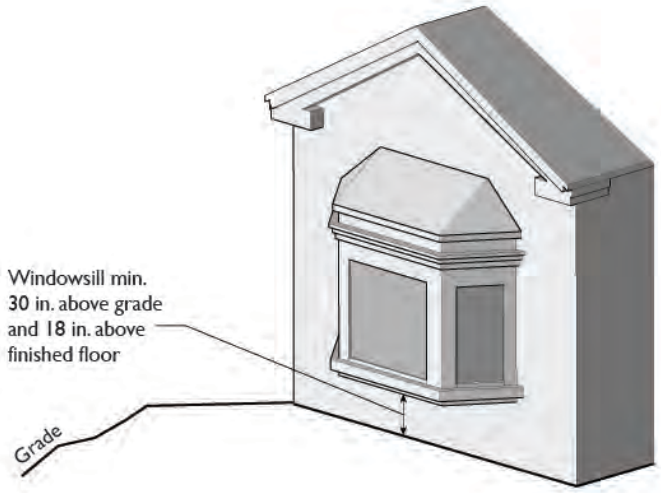
   e. *Guardrails.* The guardrails on balconies and decks shall not exceed the minimum height required by the Building Code, and the design of the guardrail shall be ~~no more than~~at least 50 percent transparent or see through ~~opaque~~ (consisting of open spaces with bars, balusters, railings, or similar). Decorative elements on balconies or decks that exceed the height limitation or guardrails that are ~~more~~ less than 50 percent ~~opaque~~ transparent may be approved by the appropriate Design Review body on a case-by-case basis to achieve consistency with the architectural style of the site.

FIGURE 30.140.100(.C)(.2): BALCONY AND UPPER STORY DECK ENCROACHMENTS



3. ***Bay Windows.*** A bay window, or similar protruding window construction, with a sill located at least 30 inches above adjacent grade and at least 18 inches above finish floor, may encroach up to three feet into a front setback or open yard, except private open yard, but shall be no closer than two feet to any property line.

FIGURE 30.140.100(.C)(.3): BAY WINDOW ENCROACHMENTS



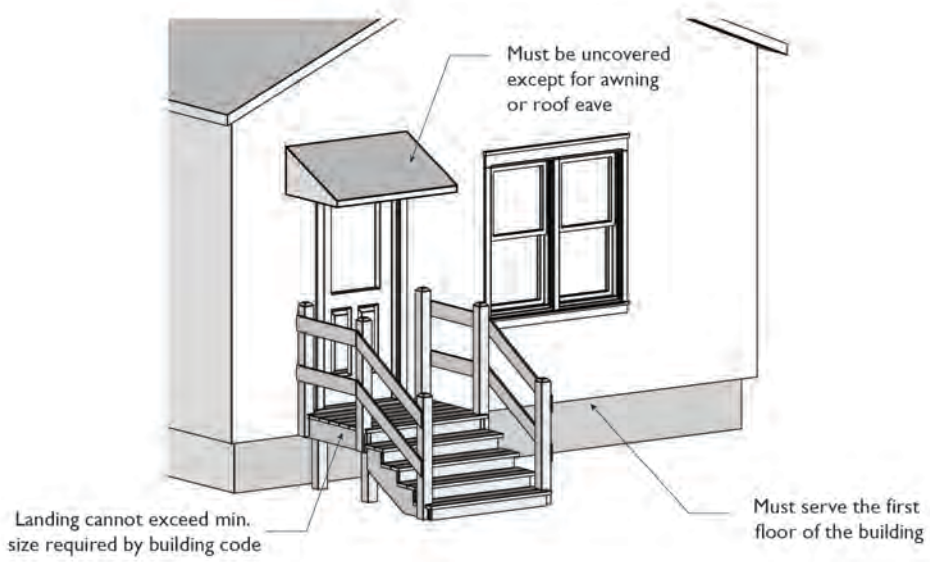
4. ***Chimneys.*** A chimney serving the interior of a building may encroach up to three feet into any setback or open yard, except private open yard, but shall be no closer than two feet to any property line. Freestanding chimneys shall not

encroach into setbacks but may be allowed in Open Yard pursuant to Subsection 30.140.100.E, Open Yard Encroachments.

5. ***Fences and Hedges.*** Fences and hedges may encroach into any setback or open yard, pursuant to the standards in Section 30.140.120, Fences and Hedges.

6. ***Landings and Outside Steps.*** Unenclosed landings and outside steps uncovered by any structure other than an awning or roof eave, serving the first floor of a building, in the minimum size required by the Building Code, may encroach up to three feet into any setback or open yard, except private open yard, but shall be no closer than two feet to any property line.

FIGURE 30.140.100(.C)(.6): LANDINGS AND OUTSIDE STEPS ENCROACHMENTS



7. ***Mechanical and Other Equipment.*** See Section 30.140.140, Mechanical and Other Equipment.

8. ***Planter Beds.*** Planter beds consisting of low walls and earth for the purpose of providing landscaping and gardening areas, no more than 42 inches in height above existing grade, may encroach into any setback and open yard.

9. ***Rain Barrels and Cisterns.*** Rain barrels and cisterns with a maximum cumulative capacity of 1,000 gallons per lot line, or other similar storm water management equipment, may encroach up to three feet into any setback or open yard, except private open yard, but shall be no closer than two feet to any property line, subject to the following:

   a. *Height.* Rain barrels and cisterns shall not exceed a maximum height of six feet.

b. *Number.* Maximum two per setback or open yard area.

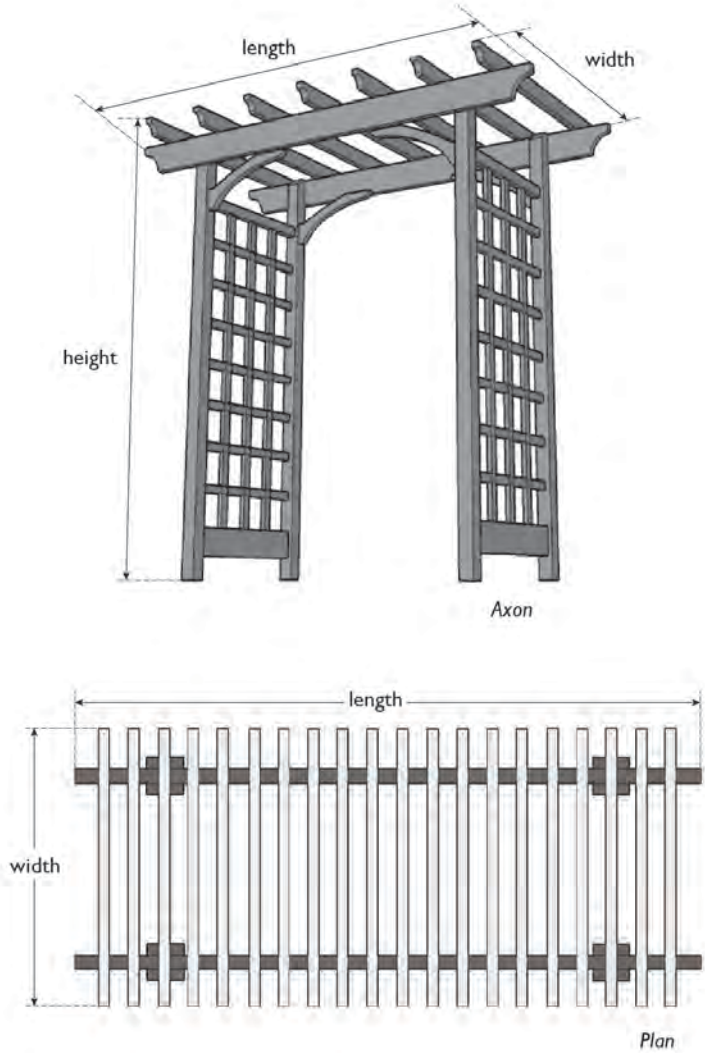
~~b.~~c. *Screening.* Rain barrels and cisterns shall be hidden from view or screened, pursuant to Section 30.15.120, Screening.

~~c.~~d. *Maintenance.* Rain barrels and cisterns shall be maintained in good condition and shall be utilized regularly to prevent accumulation of material which attracts mosquitos or other vectors. Rain barrels and cisterns shall not create a nuisance, hazard, or other objectionable condition, pursuant to Chapter 30.180, Performance Standards.

10. ***Swimming Pools and Spas.*** See Section 30.140.210, Swimming Pools and Spas.

11. ***Trellis.*** One small overhead structure per lot line, such as an arbor, arch, trellis, or pergola, not exceeding nine feet in height and 18 square feet in area, may encroach into any setback or open yard.

FIGURE 30.140.100.~~(~~C~~)(~~.11~~)~~: TRELLIS ENCROACHMENTS



12. ***Waste and Recycling Enclosures.*** See Section 30.140.240, Waste, Recycling, and Outdoor Storage.

D. **Setback Encroachments.** The following may encroach into front and interior setbacks, subject to the standards of this Section:

1. ***Accessibility Improvements.*** Accessible uncovered parking spaces and associated access aisles, and components of an accessible route (sloped walk ways and ramps/landings/guard rails), may encroach into any setback, as follows:

a. *Configuration.* The accessibility improvement is designed and provided for persons with disabilities as required by the Building Code, on existing multi-unit residential, mixed-use, or nonresidential development.

b. *Existing Development.* This allowance is applicable to existing development only and shall not apply to new or reconstructed structures, additions, or substantial redevelopment~~demolitions~~ where the proposed project can provide a reasonable accommodation.

c. *Minimum Size.* The accessibility improvement is the minimum size required by the Building Code.

d. *Modifications.* If the accessibility improvement does not meet these criteria, a Modification for reasonable accommodations will be made, if found to be consistent with the Americans with Disabilities Act; see Chapter 30.250, Modifications.

2. ***Decks, First Story.*** One residential ~~U~~uncovered deck~~s~~ per lot, including landings and stairs serving the deck, no more than 18 inches in height above existing grade, may encroach up to three feet into any interior setback, but shall be no closer than two feet to any property line provided:

   a. *Minor Zoning Exception Required.* A Minor Zoning Exception is approved by the appropriate Design Review body pursuant to Chapter 30.245, Minor Zoning Exception.

3. ***Electric Vehicle Supply Equipment (EVSE).*** See Section 30.175.030.Q, Electric Vehicle Charging Stations.~~Electric vehicle supply equipment (EVSE) that serves a permitted parking space may encroach to the same extent as the vehicle parking space it serves, but shall be no closer than 10 feet to a front lot line.~~

4. ***Outdoor Furniture.*** Ground signs and outdoor furniture for nonresidential uses, consisting of items not permanently affixed to the ground, such as tables, chairs, umbrellas, space heaters, sculptures, and potted plants, may encroach into any nonresidential front setback provided that the encroachments are not located in an open yard or any setback required for exclusively residential structures.

5. ***Yard Ornaments.*** Yard amenities such as mailboxes, flag poles, fountains, bird baths, benches, sculptures, and other practical or decorative freestanding yard elements accessory and complimentary to the primary use of the development, may encroach into any front setback, as follows:

   a. *Prohibited Items.* Yard Ornaments shall not include any roofed or overhead structures, enclosed structures, barbecues, loose rubbish, garbage, junk, items that create a nuisance, or any of the prohibited items from Section 30.140.240, Waste, Recycling and Outdoor Storage, or any of the items identified in this Section as either limited or not allowed in the front setback.

   b. *Maximum Area.* Residential front yard amenities are limited to a cumulative total of 50 square feet or one percent of the total combined front setback area, whichever is greater.

6. ***Porches and Outside Steps.*** Covered front porches and outside steps, serving the first floor of a residential main building, and unenclosed except for the wall of the main building, may encroach into the front and interior setbacks, as follows:

   a. *Size*. Porches shall be limited to a maximum of sixteen feet wide and six feet deep exclusive of handrails, guardrails, wing walls and associated uncovered steps.

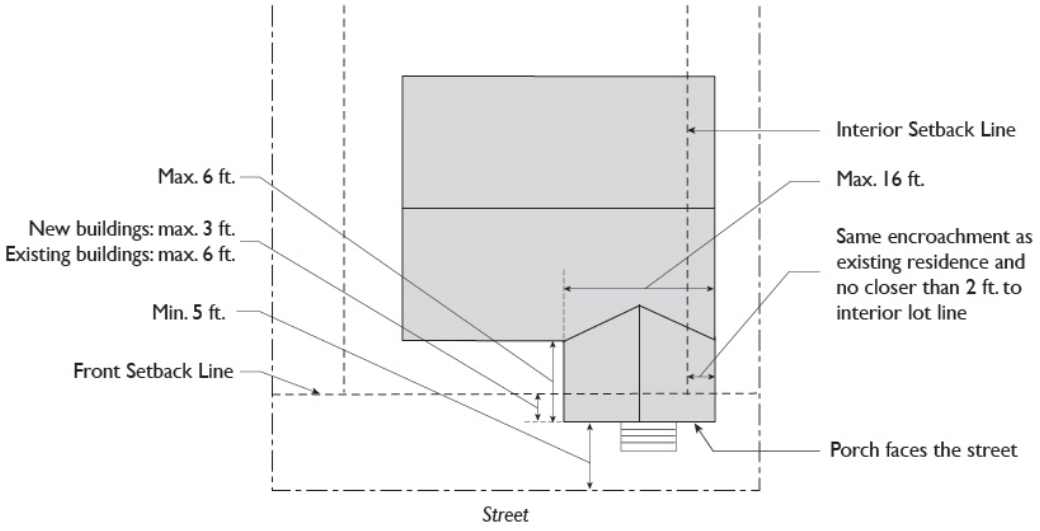
   b. *Number*. One porch is allowed per residential unit, provided the porch serves as the front entry of the unit.

   ~~b.~~c. *Interior Setback*. Porches may encroach into the interior setback the same distance as an existing residence, provided that the porch faces the street, and no portion of the porch, except the uncovered steps, is closer than two feet to the interior property line.

   ~~c.~~d. *Front Setback*. Porches may encroach a maximum three feet into the front setback for all new buildings, and six feet into the front setback for all buildings constructed prior to the effective date of this Title ~~is adopted~~, provided the porch faces the street and no portion of the porch, except the uncovered steps, is closer than five feet to any front lot line.

   ~~d.~~e. *Design Review Approval Required*. The porch must be compatible with the architecture of the building and the development pattern of the neighborhood, as determined by the appropriate Design Review body.

FIGURE 30.140.100~~(~~.D.~~)(~~6~~)~~: PORCHES AND OUTSIDE STEP ENCROACHMENTS



7. ***Sheds.*** A detached accessory building may encroach into the interior setback if the building is:

   a. Not more than 120 square feet; and

   b. Not livable space; and

   c. 10 feet or less in height; and

   d. Constructed prior to August 1, 1975; and

   e. Located outside of the front yard or required open yard.

8. ***Solar Energy Systems.*** Solar energy systems, as defined in subsection (a) of Civil Code Section 801.5. may encroach as follows:

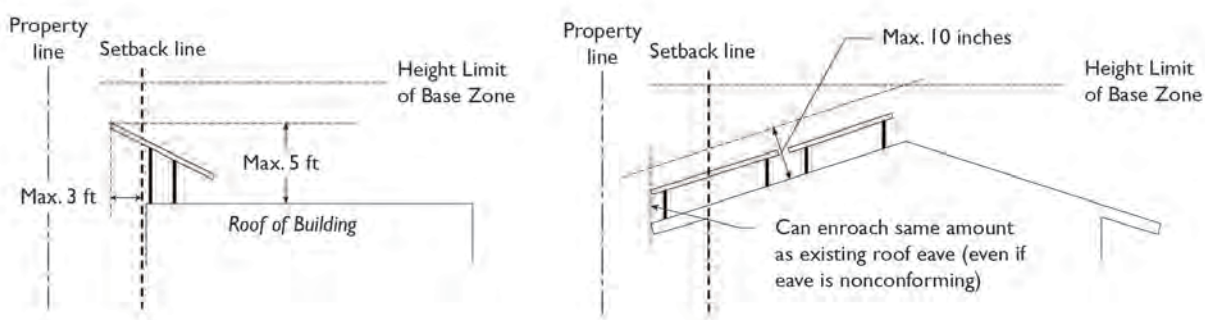
   a. *Ground Mounted Equipment.*

      i. Front Setback. Ground mounted equipment no higher than 30 inches above existing grade may encroach up to three feet.

      ii. Interior Setback. Ground mounted equipment no higher than six feet above existing grade may encroach up to three feet.

   b. *Roof Mounted Equipment.* Roof mounted equipment may encroach up to three feet into any setback provided it is no higher than five feet above the highest point of the roof and does not exceed the maximum height limitation of the applicable zone. However, roof mounted equipment may encroach the same amount as the existing roof eave if installed roughly parallel to, and no higher than 10 inches above the roof (measured from the top of the roof perpendicularly to the highest point of the solar energy system).

FIGURE 30.140.100.(D.)(8): ROOF MOUNTED SOLAR ENERGY EQUIPMENT ENCROACHMENT



E. **Open Yard Encroachments**. The following may encroach into the open yard, subject to the standards of this Section:

1. ***Outdoor Amenities.*** Amenities intended for outdoor enjoyment of the required open yard area such as patio covers and other attached or detached

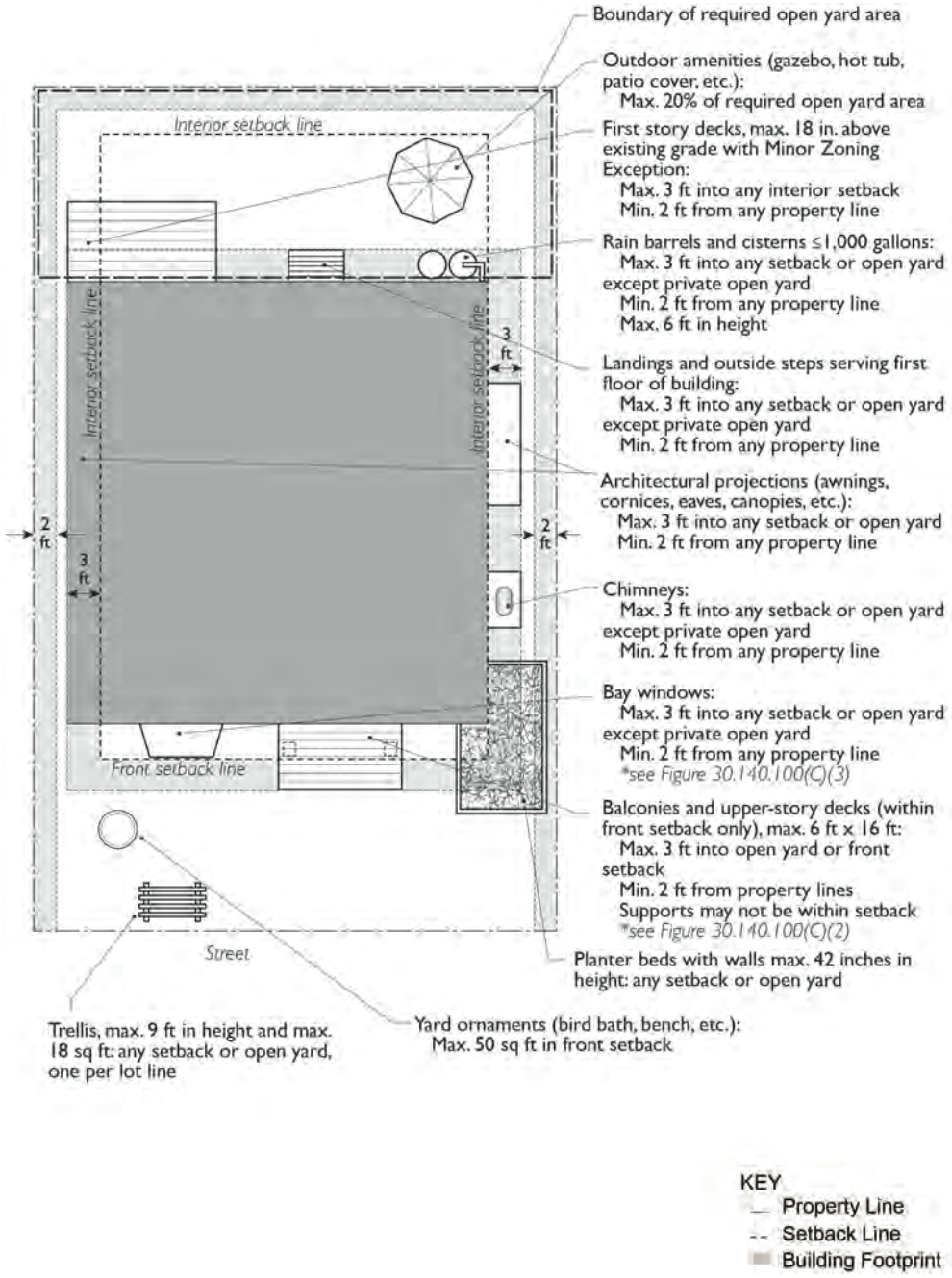
unenclosed structures, upper story decks, gazebos, hot tubs, fountains, barbecues, outdoor fireplaces, above-grade pools, large trellises and arbors, and play equipment, may encroach into the open yard, as follows:

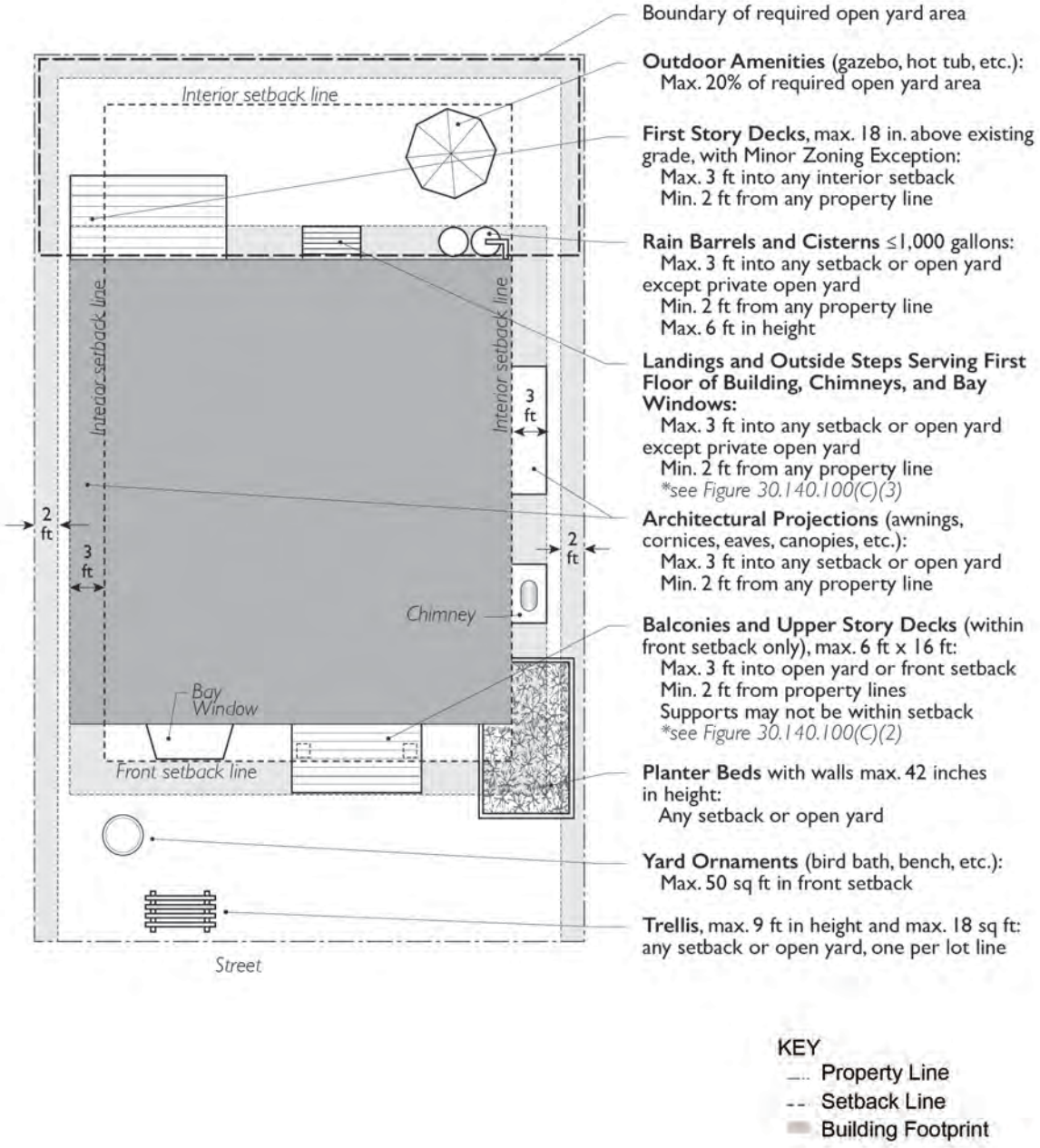
a. *Vertical Clearance.* The vertical clearance under any patio cover or similar overhead structure shall be seven feet or more; and

b. *Maximum Area.* Encroachments shall not exceed 20 percent of any individual open yard area, or a cumulative total of 20 percent of the total required open yard area, with the exception of Covered Private Open Yards, below.

2. ***Covered Private Open Yards.*** Private open yards may be covered by roof overhangs, patio covers, the floor above, or other similar architectural or buildings projections, either cantilevered or supported from below with columns or walls, provided that the vertical supports do not reduce the minimum area and dimensions of the open yard, the vertical clearance is seven feet or more, and the private open yard is substantially unenclosed on at least one side.

FIGURE 30.140.100: ENCROACHMENTS


Boundary of required open yard area
Outdoor amenities (gazebo, hot tub, patio cover, etc.):
Max. 20% of required open yard area
First story decks, max. 18 in. above existing grade with Minor Zoning Exception:
Max. 3 ft into any interior setback
Min. 2 ft from any property line
Rain barrels and cisterns ≤1,000 gallons:
Max. 3 ft into any setback or open yard except private open yard
Min. 2 ft from any property line
Max. 6 ft in height
Landings and outside steps serving first floor of building:
Max. 3 ft into any setback or open yard except private open yard
Min. 2 ft from any property line
Architectural projections (awnings, cornices, eaves, canopies, etc.):
Max. 3 ft into any setback or open yard
Min. 2 ft from any property line
Chimneys:
Max. 3 ft into any setback or open yard except private open yard
Min. 2 ft from any property line
Bay windows:
Max. 3 ft into any setback or open yard except private open yard
Min. 2 ft from any property line
*see Figure 30.140.100(C)(3)
Balconies and upper-story decks (within front setback only), max. 6 ft x 16 ft:
Max. 3 ft into open yard or front setback
Min. 2 ft from property lines
Supports may not be within setback
*see Figure 30.140.100(C)(2)
Planter beds with walls max. 42 inches in height: any setback or open yard
Yard ornaments (bird bath, bench, etc.):
Max. 50 sq ft in front setback
Trellis, max. 9 ft in height and max. 18 sq ft: any setback or open yard, one per lot line
Interior setback line
Interior setback line
Interior setback line
Front setback line
Street
3 ft
2 ft
3 ft
2 ft
KEY
Property Line
Setback Line
Building Footprint



30.140.110 Exceptions to Height Limitations

A. **Architectural Elements.** Architectural elements that do not add floor area to a structure, such as chimneys, vents, antennae, open trellises, rooftop equipment and associated screening, solar panels, roof decks that do not exceed 10 inches in height above the roof, guard rails for roof decks, and towers including stairway or elevator towers with minimum landings for egress are not considered a part of the height of a structure, but all portions of the roof and roof parapet are included.

B. **Community Benefit and Community Benefit Housing Projects.** In the C-G, M-C, M-I, and CO-MI zones, up to 60 feet in height may be allowed for projects that qualify as a Community Benefit Project or a Community Benefit Housing Project in accordance with the following.

1. ***Required Findings.*** A Community Benefit Project or a Community Benefit Housing Project may only be approved if the following findings are made in addition to any other findings required by this Title.

   a. *Demonstrated Need.* The applicant has adequately demonstrated a need for the project to exceed 45 feet in height that is related to the project's benefit to the community, or due to site constraints, or in order to achieve desired architectural qualities;

   b. *Architecture and Design.* The project will be exemplary in its design;

   c. *Livability.* If the project includes residential units, the project will provide amenities to its residents which ensure the livability of the project with particular attention to good interior design features such as the amount of light and air, or ceiling plate heights; and

   d. *Sensitivity to Context.* The project design will complement the setting and the character of the neighboring properties with sensitivity to any adjacent federal, state, and City Landmarks or any nearby designated Historic Resources, including City-designated Structures of Merit.

2. ***Procedure.***

   a. *Conceptual Design Review.* Prior to the Planning Commission considering an application for a height exception pursuant to this Section, a project shall receive conceptual design review by the appropriate Design Review body as required by Title 22 of the Santa Barbara Municipal Code.

   b. *Planning Commission Consideration of Findings.*

      i. <u>Design Review Projects.</u> If a project only requires design review by the Historic Landmarks Commission or the Architectural Board of Review under Title 22 of the Santa Barbara Municipal Code, the Planning Commission shall review and consider the building height findings of this Section after conceptual design review and before consideration of the project by the Historic Landmarks Commission or the Architectural Board of Review for Project Design approval.

      ii. <u>Staff Hearing Officer Projects.</u> If a project requires the review and approval of a permit by the Staff Hearing Officer, the Planning Commission shall review and consider the building height findings after conceptual design review pursuant to Title 22 of the Santa Barbara Municipal Code, but before the preparation of a full application for the consideration of the permit by the Staff Hearing Officer.

iii. Planning Commission Projects. If a project requires the review and approval of a permit by the Planning Commission, the Planning Commission shall review and consider the building height findings after conceptual design review pursuant to Title 22 of the Santa Barbara Municipal Code, but before the Development Application Review Team (DART) submittal and before the consideration of the land use approval by the Planning Commission.

30.140.120 Fences and Hedges

A. **School Fencing.** A chain link or open mesh type fence of any height necessary to enclose a Day Care Center or School may be located and maintained in any required yard.

B. **Barbed Wire, Concertina Wire, Sharp Wire or Points.** No barbed wire or concertina wire shall be used or maintained in or about the construction of a fence or hedge closer than three feet of any lot line. Sharp wire or points shall not project at the top of any fence less than six feet in height.

C. **Visibility.** Notwithstanding other provisions of this Section, all existing and proposed fences and hedges must comply with Section 30.140.230, Visibility at Driveways and Intersections.

D. **Protection of Solar Access.** All proposed fences and hedges must comply with the height limitation applicable to structures for the protection of solar access as specified in Section 30.140.180, Solar Access Height Limitations.

E. **Residential Zones.** The following standards apply to fences and hedges located within Residential Zones.

1. ***Height Limitations for Fences and Hedges.***

a. *Hedges Within Required Front and Interior Setbacks.* Eight feet.

b. *Fences Within Required Front and Interior Setbacks.* Eight feet, except fences closer than 10 feet of a front lot line shall not exceed a height of 42 inches.

c. *Combination of Fence and Hedge Within Required Front and Interior Setbacks.* In situations where a hedge is located within five feet of a conforming or nonconforming fence, the overall combined height of the fence and hedge may not exceed the maximum allowed height of a hedge for that location.

2. ***Additional Fence and Hedge Height Allowances***

a. *Minor Zoning Exception.* Additional fence and hedge height allowance, as specified below, may be approved by the appropriate Design Review body pursuant to Chapter 30.245, Minor Zoning Exceptions, upon making the findings required in Subsection 30.140.120.E, Required

Findings for Fence and Hedge Minor Zoning Exceptions, in addition to the findings required pursuant to Chapter 30.245, Minor Zoning Exceptions:

i. *Fences Within Front and Interior Setbacks.* Four feet.

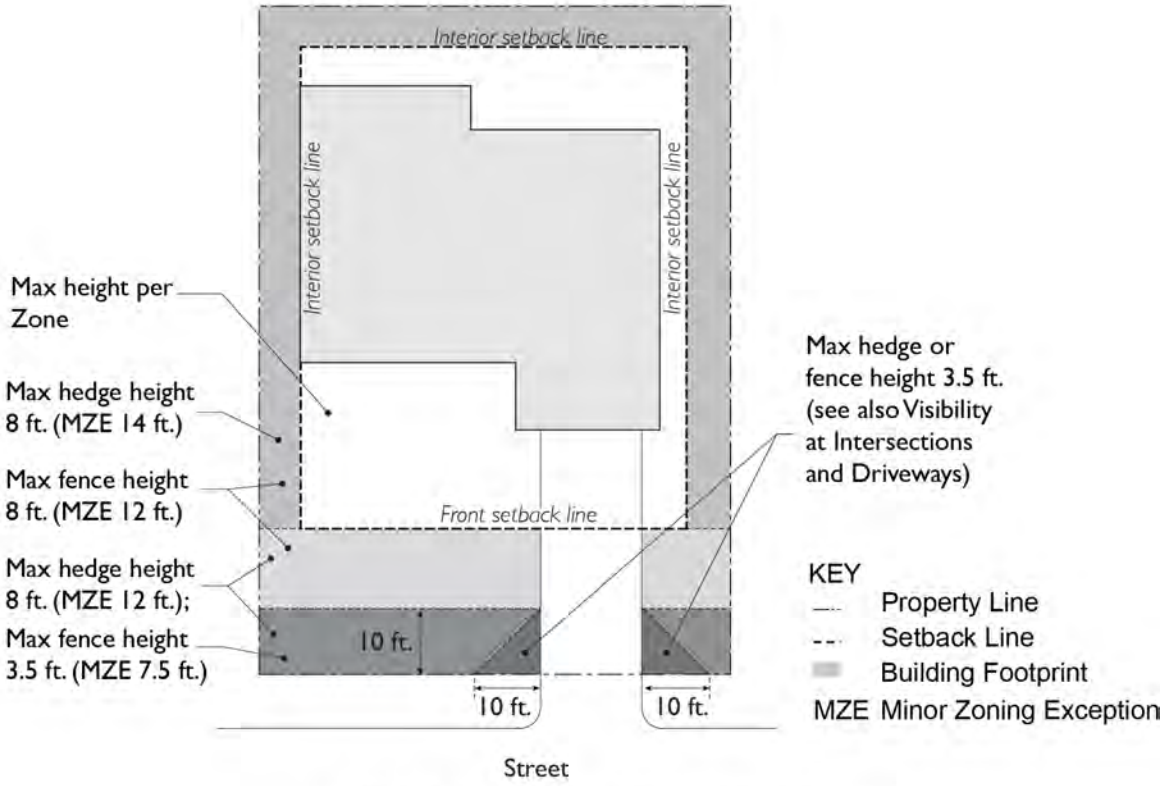
ii. *Hedges Within Front Setbacks.* Four feet.

iii. *Hedges Within Interior Setbacks.* Six feet.

b. *Modification.* Additional exceptions may be granted pursuant to Section 30.250, Modifications.

c. *Fences and Hedges Adjacent to a Street with a Higher Elevation.* If a fence or hedge is located adjacent to a street where the elevation of the street is higher than the elevation of the subject property, the Community Development Director may allow the height of the fence or hedge to be measured from the elevation of the right-of-way surface nearest to the fence or hedge, subject to the same ~~H~~height ~~L~~limitations and permit requirements listed in subsection ~~D~~E, above, and provided that the overall height of the fence or hedge does not exceed the maximum height for a structure in the ~~Z~~zone.

FIGURE 30.140.120~~(~~.D~~)~~: FENCE AND HEDGE~~EDGE~~ HEIGHT LIMITATIONS



3. ***Guardrails.*** A guardrail may extend above the maximum height limit for a fence without requiring a Minor Zoning Exception or Modification, only if it meets all of the following conditions:

   a. The guardrail height shall not exceed the minimum height required by the Building Code; and

   b. The design of the guardrail area shall be ~~no more than~~at least 50 percent ~~opaque~~ transparent or see-through (consisting of open spaces with bars, balusters, railings, or similar).

      i. *Exception.* Guardrails that are ~~more~~ less than 50 percent ~~opaque~~ transparent may be approved by the appropriate Design Review body on a case-by-case basis if necessary to achieve consistency with the architectural style of the site.

4. ***Decorative Elements.***

   a. *Maximum Height.* Decorative elements on fences not wider than nine inches by nine inches, such as pilaster caps, finials, posts, lighting fixtures, or similar decorative features, may exceed the maximum height by a maximum of 12 inches.

   b. *Spacing.* Decorative elements on fences shall be spaced a minimum of six feet apart, measured on-center.

   c. *Minor Zoning Exception.* Minor exceptions to the size and spacing requirements may be approved by the appropriate Design Review body pursuant to Chapter 30.245, Minor Zoning Exceptions, upon making the findings required in Subsection 30.140.120.E, Required Findings for Fence and Hedge Minor Zoning Exceptions, in addition to the findings required pursuant to Chapter 30.245, Minor Zoning Exceptions.

F. **Required Findings for Fence and Hedge Minor Zoning Exceptions.**

   1. The granting of such exception will not create or exacerbate an obstruction of the necessary sightlines for the safe operation of motor vehicles.

G. **Relationship with the View Dispute Resolution Process.** The fact that a hedge complies with the standards set forth in this Section or the fact that a property owner has received a Minor Zoning Exception or Modification from the standards set forth in this Section shall not preclude another property owner from alleging an unreasonable obstruction of a view and exercising the protections and procedures of the City's View Dispute Resolution Process.

30.140.130 Location of Lot Lines

The following standards shall apply to all newly created lots, subject to the discretion of the Review Authority:

A. Interior lot lines shall generally be perpendicular to the street on straight streets, or radial to the street on curved streets, unless another angle would provide better building orientation for solar exposure or more lot area to the south of the likely building site.

B. Lot lines shall be located within appropriate physical locations such as the top of creek banks, at appropriate topographical changes (top or bottom of slopes etc.) or at locations which clearly separate existing and proposed land uses. Lot lines shall not be configured to maximize development capacity at the cost of illogical lot patterns.

C. Lot lines shall be contiguous with existing zoning boundaries.

30.140.140 Mechanical and Other Equipment

Incidental accessory equipment, and associated screening or enclosures, attached to the outside wall or roof of a structure, or free-standing, such as water heaters, air conditioners, backflow preventers, pool equipment, air or water filters, electric meters, electric transformers, cable television or phone utility boxes, wires, conduits, wall mounted light fixtures, or similar, excluding any equipment identified in Section 30.140.100, Encroachments into Setbacks and Open Yards, are subject to the following standards:

A. **Attached Equipment.** Equipment attached to the outside wall of a structure, located at least 30 inches above adjacent grade, may encroach a maximum of three feet into any interior setback or open yard, but shall be no closer than two feet to any property line.

B. **Roof-Mounted Equipment.** Roof-mounted equipment shall be hidden from view or screened pursuant to Section 30.15.120, Screening.

C. **Free-Standing Equipment.**

1. ***Location.*** Free-standing equipment, and associated screening or enclosures, may be located within the front yard and may encroach into any setback or open yard, except private open yard, and as follows:

   a. *Residential Uses.* On lots developed with residential uses only, free-standing equipment and enclosures shall be no closer than 10 feet to any front lot line, and no closer than five feet to any interior lot line adjacent to property zoned for residential use or developed with residential uses.

   b. *Nonresidential and Mixed-Use.* On lots developed with nonresidential uses or mixed-use, free-standing equipment and enclosures shall be no closer than five feet to any front lot line, and no closer than five feet to any interior lot line adjacent to property zoned or developed with residential uses.

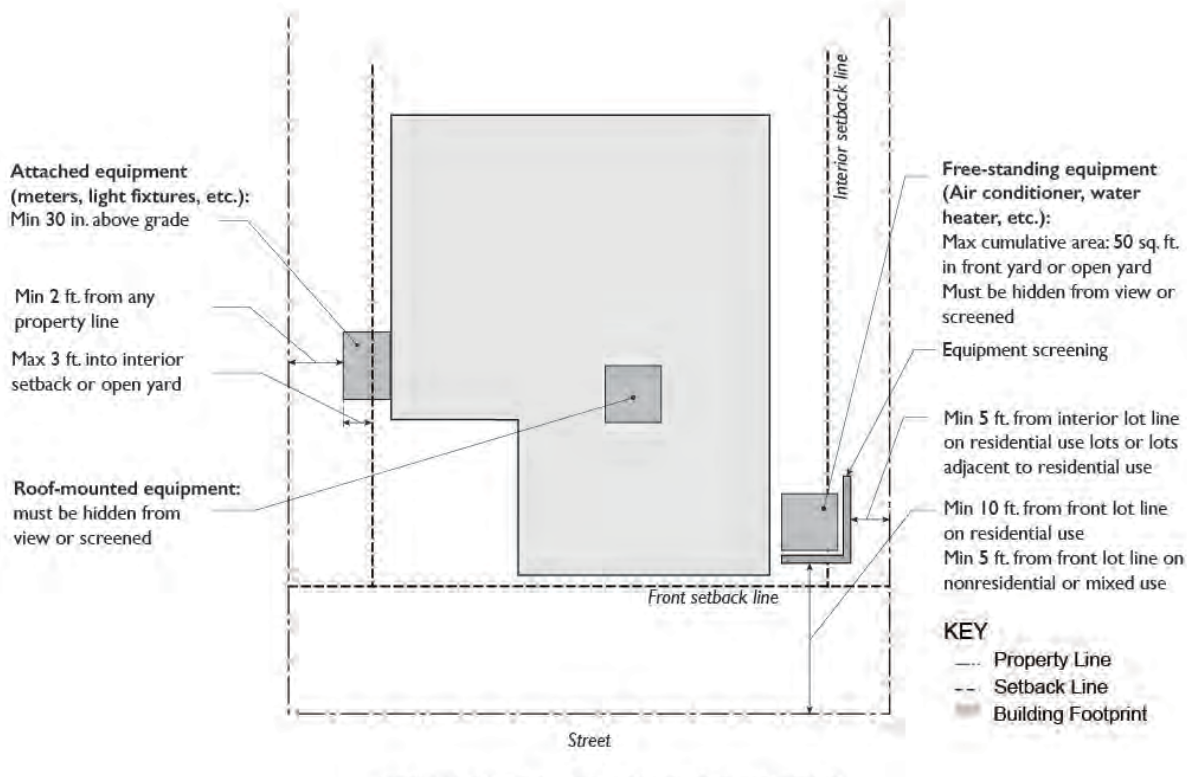
   c. *Maximum Area.* Free-standing equipment and enclosures in the front yard or open yard is limited to a cumulative total of 50 square feet.

2. ***Screening.*** All free-standing equipment shall be hidden from view or screened, pursuant to Section 30.15.120, Screening.

D. **Exceptions.** Where an applicant can demonstrate to the satisfaction of the appropriate Design Review body that variations in the requirements of this Section are warranted in order to provide relief for existing site constraints, or to achieve a superior aesthetic or environmental design, distance or screening may be reduced or waived by the Design Review body.

E. **Noise.** All mechanical equipment must meet the noise limitations of Santa Barbara Municipal Code, Title 9.

FIGURE 30.140.140: MECHANICAL AND OTHER EQUIPMENT



30.140.150 Open Yards

A. **Purpose.** Open yard areas are intended to promote desirable living conditions, a sense of openness on residential development, and to provide minimum useful space for outdoor living and enjoyment.

B. **Applicability.** Open yards as described in this Section shall be required in all zones for all residential uses, unless otherwise provided in Chapter 30.185, Standards for Specific Uses and Activities.

C. **Minimum Area and Dimensions.** The minimum area and dimensions of required open yards shall be provided as follows:

1. ***Lots Developed with Single-Unit and Two-Unit Residential:***

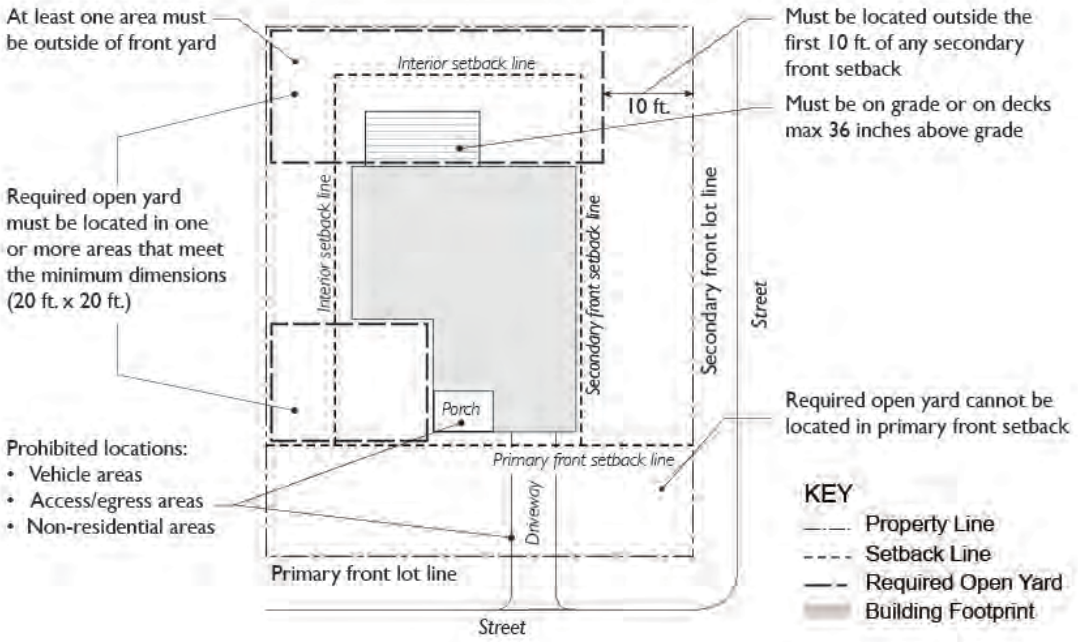
   a. *Minimum Area:*

      i. 800 square feet on lots less than 5,000 square feet~~ and on lots less than 6,000 square feet developed with two-unit residential~~.

      ii. 1,250 square feet on lots 5,000 square feet or greater~~ developed with single-unit residential and lots 6,000 square feet or greater developed with two-unit residential~~.

   b. *Minimum Dimensions:* 20 feet long and 20 feet wide.

FIGURE 30.140.150.~~(~~C.~~)(~~1~~)~~: OPEN YARDS–SINGLE-UNIT AND TWO-UNIT RESIDENTIAL



2. ***Lots Developed with Multi-Unit Residential or Mixed-Use:***

   a. *Minimum Area:* 15 percent of the net lot area.

   b. *Minimum Dimensions:* 10 feet long and 10 feet wide.

   c. *Private Open Yard.* In addition to open yard area meeting the minimum area and minimum dimension requirements in subparagraphs a. and b. above, private open yard is required for each residential unit. private open yards located on grade, or on decks no more than 36 inches in height above the ground, may overlap with required open yard areas in subparagraphs a. and b. above.

      i. <u>Private Open Yard Located on the First Story:</u>

(1) *Minimum Area:*

(a) Studio unit: 100 square feet

(b) 1 Bedroom unit: 120 square feet

(c) 2 Bedroom unit: 140 square feet

(d) 3 or more Bedroom unit: 160 square feet

(2) *Minimum Dimensions:* 10 feet long and 10 feet wide.

ii. Private Open Yard Located on a Second or Higher Story:

(1) *Minimum Area:*

(a) Studio unit: 60 square feet

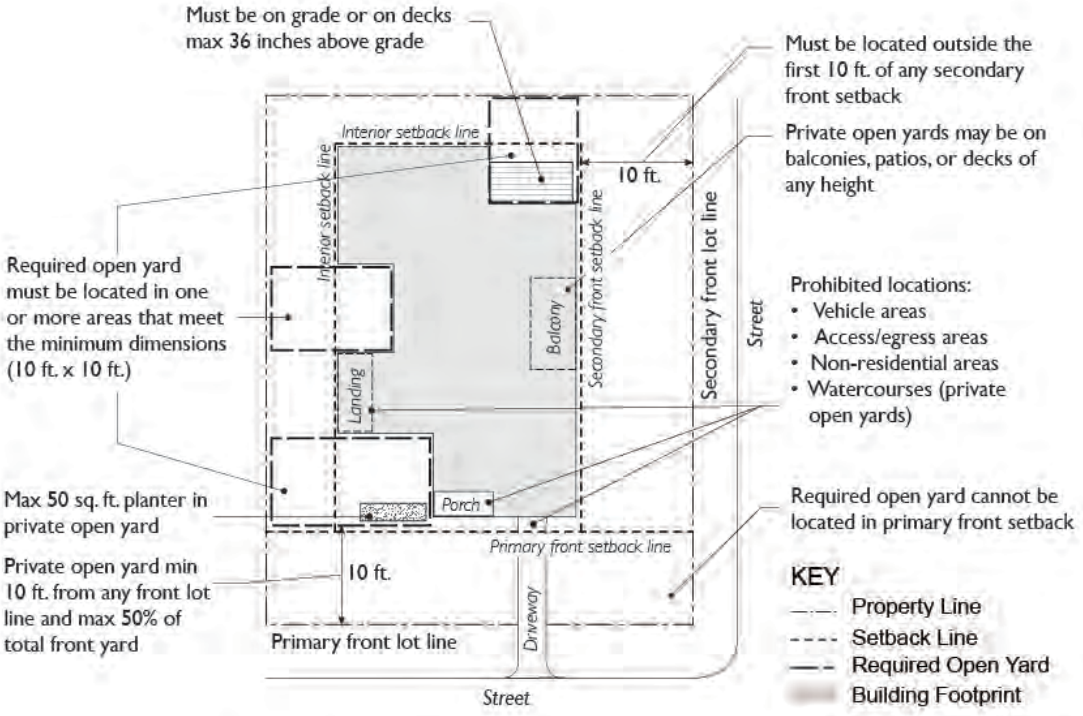
(b) 1 Bedroom unit: 72 square feet

(c) 2 Bedroom unit: 84 square feet

(d) 3 or more Bedroom unit: 96 square feet

(2) *Minimum Dimensions:* Six feet long and six feet wide.

FIGURE 30.140.150.~~(~~C~~)(~~.2~~)~~: OPEN YARDS–MULTI-UNIT RESIDENTIAL AND MIXED-USE



D. **Standards.** The following standards shall apply to all required open yard areas:

1. ***Open.*** Required open yard areas shall be open, unenclosed, and unobstructed by structures from the ground upward, except as provided in Section 30.140.100, Encroachments into Setbacks and Open Yards. Required open yard, except private open yard, shall not be located under enclosed floor area.

2. ***Availability.*** All open yard areas, except private open yards required by 30.140.150.C.2.c above, shall be made available to all residents on-site as either communal areas or private areas. Each residential unit shall have access to at least one open yard area that meets the minimum dimension requirement. Open yard divided into private areas shall be contiguous to and accessible from the residential unit for which it serves.

3. ***Protection from Vehicles.*** Required open yards shall be protected from vehicles by a physical barrier.

4. ***Additional Standards for Private Open Yards.*** The following additional standards shall apply to all private open yard areas:

   a. *Availability.* Private open yards shall be designed to ensure adequate privacy and usability and must be contiguous to and accessible from the unit served.

   b. *Required Fence or Hedge.* Private open yard areas located in either a front yard or adjacent to another private open yard area shall be surrounded by a solid fence or hedge with a minimum height of five feet and a maximum height of six feet. This requirement may be reduced or waived by the appropriate Design Review body.

E. **Location.** Required open yard areas shall comply with all of the following location requirements:

1. ***Allowed Areas.*** Required open yard areas may include interior setbacks and any combination of landscaped areas, natural areas, flat areas, hillsides, paved or other hardscape areas, in-ground swimming pools and spas, and planters and decks that meet the standards of this Section.

2. ***On Grade.*** Required open yard areas must be located on the ground or decks no more than 36 inches in height above grade.

3. ***Multiple Areas.*** Required open yards shall be located in one area or multiple areas that meet minimum dimension requirements.

4. ***Front Yards.*** Required open yard area may be located within front yards, except as follows.

   a. *Primary Front Setback.* All required open yard areas shall be located outside the primary front setback and outside the first 10 feet of any secondary front setback measured from the front lot line.

   b. *Lots Developed with Single-Unit and Two-Unit Residential.* Lots developed with Single-Unit and Two-Unit Residential must locate at least one

open yard area that meets the required minimum dimensions outside the front yard.

5. ***Additional Location Requirements for Private Open Yards.*** The following additional location requirements shall apply to all private open yard areas:

   a. *Multiple Stories.* Residential units that occupy more than one story may provide required private open yard on any story.

   b. *Balconies, Patios or Decks.* Private open yard areas may be located on a balcony, patio, or deck of any height.

   c. *Planters.* Private open yard areas may include planter areas no more than 50 square feet.

   d. *Front Yards.* Private open yards located on the first story shall be a minimum of 10 feet from any front lot line, and the total area of all private open yards provided in front yards may not exceed 50 percent of the total front yard area, exclusive of driveways, turnarounds, or parking areas.

   e. *Creeks.* Private open yards areas may not be located within any watercourse, or within any required watercourse development limitation area.

6. ***Prohibited Locations.*** Required open yard areas shall not include any of the following:

   a. *Vehicle Areas.* Areas designated for use by motor vehicles such as driveways, turnarounds, or parking areas; as well as required parking lot landscaping and screening pursuant to Section 30.175.090, Parking Area Design and Development Standards.

   b. *Access and Egress Areas.* Areas designed to provide access /egress and remain open and passable such as front porches, landings, stairs, and ramps, or required access/egress paths on a multi-unit or mixed-use development.

   c. *Nonresidential Areas.* Areas used or designed for use by any nonresidential purpose.

F. **Alternative Open Yard Design.** An application to replace or reduce the private open yards with a common area on multi-unit residential or mixed-use development may be approved by the appropriate Design Review body, or other Review Authority if another discretionary approval is required, provided that all of the following standards are met and findings made:

1. ***Minimum Area:*** 15 percent of the net lot area;

2. ***Minimum Dimensions:*** 10 feet long and 10 feet wide, unless reduced or waived by the Review Authority;

3. ***Standards and Location:*** Except those for private open yards, all open yard standards and location requirements are met; and

4. ***Common Open Yard Area.*** At least one area with a minimum dimension of 20 feet long and 20 feet wide, located on the ground or on decks of any height, or on any floor of the structure, that is accessible to all units for use as a common open yard area is provided.

5. ***Findings.*** Approval may only be granted if the Review Authority finds that:

   a. The alternative open yard design is necessary to provide flexibility in architectural style or site organization, such as the preservation of natural features, enhanced circulation, shared amenities, or the protection/creation of scenic views; and

   b. Approval of the alternative open yard design will meet the purpose of the required open yard, as described in this Section.

30.140.160 Residential Unit

A. **Applicability.** The standards of this Section apply to all Residential Use Classifications except the following:

   1. Group Residential.

   2. Community Care Facilities, Residential Care Facilities for the Elderly, and Hospices (See Section 30.185.140).

B. **Minimum Size.** Each studio residential unit shall contain a minimum of 220 square feet of livable floor area and all other residential units shall contain a minimum of 400 square feet of livable floor area. Accessory buildings shall not be included in the minimum unit size.

   1. **Exception for Affordable Efficiency Units.** An efficiency unit, as defined in Section 17958.1 of the Health and Safety Code, with a minimum floor area of 150 square feet, may be permitted; provided that the efficiency unit is provided for occupancy by persons who qualify as either low-income or very low-income households, as defined in the City's Affordable Housing Policies and Procedures, at the time of their initial occupancy, or permitted as an Accessory Dwelling Unit, approved under Section 30.185.040, Accessory Dwelling Unit.

C. **Required Features.** Each residential unit shall contain, at a minimum:

   1. A kitchen, consisting of a sink, range or built-in stove-top and oven, and refrigeration facilities a minimum of 6 cubic feet capacity and height of 55".

   2. A separate bathroom consisting of a toilet, sink, and bathtub or shower.

   3. A separate living room ~~a minimum of 120 square feet in size~~.

   4. A separate sleeping room ~~a minimum of 70 square feet in size~~, except in studio residential units, where a living room is considered a sleeping room.

5. Exterior access to the unit, with no interior access between abutting residential units.

D. **Limitations.**

1. ***Kitchen Facility.*** No more than one kitchen per residential unit is allowed.

2. ***Laundry Facility.*** No more than one laundry room or laundry area per residential unit is allowed.

3. ***Adequate Interior Access.*** The Community Development Director shall determine whether a building or portion of a building contains adequate interior access to the main living space. Configurations including, but not limited to, building attachment via a long separate hallway, spiral staircase, and access to a bedroom through another bedroom may not be considered adequate interior access.

   a. *Rooms with Adequate Interior Access.* Rooms determined to have adequate interior access to the main living space may contain a maximum of two of the following three residential building elements:

      i. Utility sink or bar sink.

      ii. Bathroom with bathing facilities.

      iii. Exterior entrance.

   b. *Rooms without Adequate Interior Access.* Residential building elements in rooms that do not have adequate interior access are limited to those allowed in accessory buildings, pursuant to Section 30.140.020, Accessory Buildings.

4. ***Additional Residential Building Elements.*** Additional residential building elements, beyond those permitted above, may be permitted pursuant to a Performance Standard Permit, Chapter 30.255. The additional residential building elements that may be considered for a Performance Standard Permit are limited to those which in the determination of the Community Development Director would not result in separate residential occupancy. The Performance Standard Permit shall include a Recorded Agreement providing for the automatic expiration of limited term approvals, or rescission of the permit or approval, if the City determines there is evidence of separate residential occupancy.

E. **Determination of Residential Unit.**

1. ***Residential Building Elements.*** Notwithstanding the above, the Community Development Director has the authority to determine whether a building or portion of a building is configured for use as a separate residential unit, regardless of size, when a building or portion thereof is configured or occupied for residential purposes, whether permanent or temporary, and contains elements evidencing separate residential occupancy. Residential building elements

to be considered may include, but are not limited to, the proximal arrangement and various combinations of:

a. Kitchen sink, utility sink, lavatory, or bar sink;

b. Cooking appliances, whether built-in or not;

c. Refrigeration facilities;

d. Toilet;

e. Bathing facilities

f. Lack of interior access, including locking interior doors;

g. Exterior entrance;

h. Exterior staircase;

i. Spiral staircase;

j. Separate yard, patio, deck or balcony;

k. Separate utilities, separate meters;

l. Multiple water heaters;

m. Multiple laundry areas;

n. Separate garage, carport, or parking area (covered or uncovered);

o. Countertops or cupboards;

p. Sleeping loft; or

q. Separate address/mail box designation.

2. ***Establishment.*** Issuance of a building permit or other approval does not, of itself, establish that a building or portion thereof is a residential unit.

30.140.170 Setbacks

A. **Purpose.** Setbacks are intended to provide a sense of openness, visibility, light, and air between buildings; establish a consistent development pattern; create variation in building facades; provide adequate buffering between adjacent land uses; and allow opportunities for landscaping.

B. **Applicability.** All main and accessory buildings, structures, and land uses shall conform with the setback requirements established by the Zone Regulations in Division II of this Title.

C. **Setbacks to be Unobstructed.** Setbacks shall be open, unenclosed, and unobstructed by structures from the ground upward, except as provided in Section 30.140.100, Encroachments into Setbacks and Open Yards.

D. **Measuring Setbacks.** See 30.15.100, Measuring Setbacks.

30.140.180 Solar Access Height Limitations

In addition to any other height limitation imposed in the City Charter or in this Title, the following height limits apply.

A. **Height Limitations.**

1. ***RS and R-2 Zones.*** The maximum height of each point on a structure, measured from the Base Elevation Point, shall not exceed the sum of 12 feet and 58 percent of the shortest distance from the structure to the nearest northerly lot line as measured horizontally on the plan view of the structure.

2. ***All Other Zones.*** The maximum height of each point on a structure, measured from the Base Elevation Point, shall not exceed the sum of 18 feet and 58 percent of the shortest distance from the structure to the nearest northerly lot line as measured horizontally on the plan view of the structure.

3. ***Exceptions.*** The maximum height limits of this Section do not apply to the following.

   a. Lots with a north property line abutting a street, alley, or a nonresidentially zoned lot.

   b. Any flagpole, antenna, ornamental spire, chimney, or other structure or building element which is less than four feet along each horizontal dimension.

   c. A utility pole and line.

   d. Any portion of a structure for which a shadow plan is prepared and submitted by the applicant demonstrating that shadows cast by that portion of the structure at 9:00 a.m., noon, and 3:00 p.m., Pacific Standard Time on December 21 will:

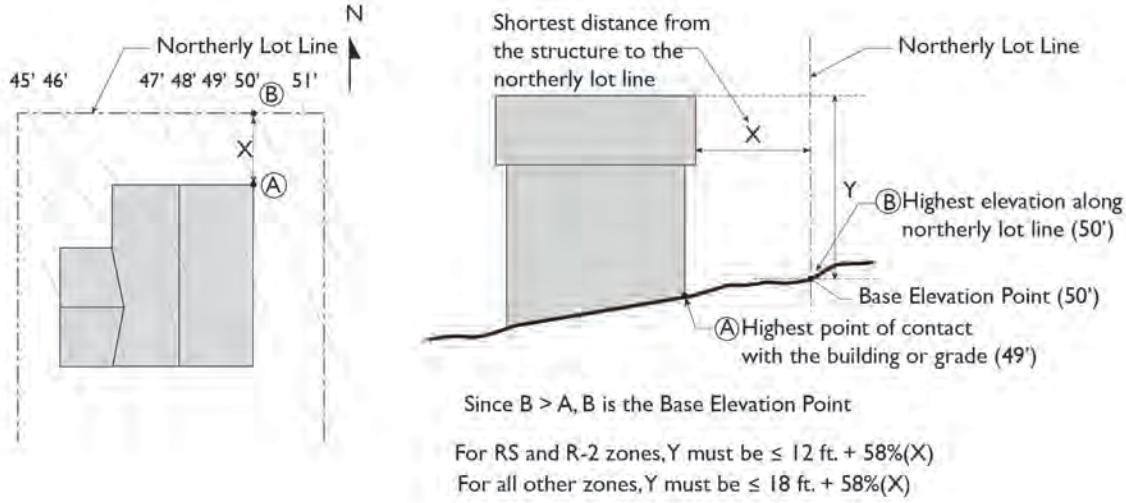
      i. Not exceed the boundaries of a simultaneous shadow cast by a legally existing structure, or by a hill or other topographical feature other than trees or other vegetation;

      ii. Not shade that portion of any adjacent residentially-zoned lot which is occupied by a residential unit or which could legally and without modification of required setbacks be occupied in the future by a residential unit; or

      iii. Fall entirely within the boundaries of an existing covered or uncovered paved off street parking area, or paved driveway leading thereto.

B. **Other Applicable Rules and Regulations.** ~~City Council Resolution No. 98-027,~~ Rules and Regulations Pertaining to the Protection and Enhancement of Solar Access in the City of Santa Barbara, as adopted and amended by City Council by Resolution, also apply.

FIGURE 30.140.180: SOLAR ACCESS HEIGHT LIMITATIONS



30.140.190 Street Frontage and Access

Except where otherwise provided in this Title, every main building shall face or have frontage upon a public street or permanent means of access to a street.

30.140.200 Street Widening Setback Lines

A. **Purpose.** The purpose of this Section is to establish areas for future street widening purposes, and to restrict building and structure placement within the setback as it relates to the rights-of-way that existed at the time the statute was codified. Street widening setbacks allow greater potential for street widening without costly removal of structures to enhance the rights-of-ways in these areas should the need arise.

B. **Establishing Procedure for Street Widening Setback Lines.**

1. ***Determining Authority.*** Whenever the public peace, health, safety, comfort, convenience, interest or welfare may require, the City Council is hereby authorized and empowered to determine the minimum distance back from the street line for the erection of buildings or structures along any portion of any street, public way or place in the City and to order the establishment of a line to be known and designated as a street widening setback line between which line and the street line no structure shall be erected or constructed. The street widening setbacks and the procedures relating to street widening setbacks specified in this Section are to be distinguished from the general setbacks established elsewhere in this Title.

2. ***Issuing Building Permits During Interim Period.*** After the adoption of the Resolution of Intention, and prior to the time the ordinance establishing setback line or lines in such proceedings becomes effective, no building permit

shall be issued for the erection of any structure between any proposed setback line and the street line and any permit so issued shall be void.

3. ***Resolution – Notice of Hearing.*** Before ordering the establishment of any setback line authorized by paragraph 1., above, the Council shall pass a resolution of intention to do so, designating the distance inward from the street and the street widening setback line or lines proposed. The resolution shall be published once in a daily newspaper published and circulated in the City, and designated by the City Council for the purpose; and one copy of the resolution shall be posted conspicuously upon the street in front of each block or part of block of any street, public way or place where such setback line is proposed to be established. The resolution shall also contain a notice of the day, hour and place when and where any and all persons having any objection to the establishment of the proposed setback line or lines may appear before the Council and present any objection or protest which they may have to the proposed setback line or lines as set forth in the Resolution of Intention. The time of hearing shall not be less than 15 nor more than 40 days from the date of the adoption of the Resolution of Intention; and the publication and posting of the Resolution shall be made at least ten days before the time of the hearing, and shall be deemed to be and shall constitute the only notice to be given of such hearing.

4. ***Hearing.***

   a. At any time not later than the hour set for hearing objections and protests to the establishment of the proposed setback line or lines, any person having any interest in any land upon which the setback line is proposed to be established, may file with the City Clerk a written protest or objection against the establishment of the setback line or lines designated in the Resolution of Intention. Such protest must be in writing, must contain a statement of the facts or reasons constituting the owner's objections and be delivered to the Clerk not later than the hour set for the hearing, and no other protests or objections shall be considered. All protestants may appear before the Council at the hearing, either in person or by attorney, and be heard in support of their protests or objections. At the time set for hearing, or at any time to which the hearing may be continued, the Council shall proceed to hear and pass upon all protests or objections so made, and its decision shall be final and conclusive, both as to the protestants and all other persons.

   b. The Council shall have power and jurisdiction to sustain any protest or objection and abandon the proceeding, or to deny any and all protests or objections, and order by ordinance the establishment of the setback line or lines described in the Resolution of Intention, or to order the same established with such changes or modifications as the Council may deem proper.

5. ***Construction Between Street and Setback Lines – Prohibited.*** From and after the taking effect of such ordinance establishing any setback line or lines, it shall be unlawful for any person, firm or corporation to construct any building, wall, fence, required parking space, or other structure within the space between the street line and the setback line, so established, and no permit for any structure to be erected within such space shall be issued.

6. ***If Easements are Granted to the City.*** Once easements for street widening as detailed in this Section have been granted to the City for specific properties, no additional setback is required or allowed for that property.

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

C. **Street Widening Setback Lines Established.**

1. ***Canon Perdido Street – Northwesterly Between Quarantina and Milpas Street.*** A straight line drawn from the northeasterly line of Quarantina Street produced northwesterly, to southwesterly line of Milpas Street, ten feet northwesterly from the northwesterly line of Canon Perdido Street is established as a setback line, between which line and such northwesterly line of Canon Perdido Street no structure shall hereafter be erected or placed.

2. ***Canon Perdido Street – Southeasterly Between Quarantina Street and Milpas Street.*** A straight line drawn from the northeasterly line of Quarantina Street to the southwesterly line of Milpas Street, ten feet southeasterly from the southeasterly line of Canon Perdido Street is established as a setback line, between which line and such southeasterly line of Canon Perdido Street no structure shall hereafter be erected or placed.

3. ***Carrillo Street Extension.*** A line parallel with and 40 feet easterly of the centerline of Carrillo Street extension between engineer's station 49+00 and station 52+00, said centerline as shown on approved plan number C-1-2672, sheet 2 of 31 sheets, on file in the Office of the City Engineer, is established as a setback line, between which line and such easterly side of Carrillo Street extension no structure shall hereafter be erected or placed.

4. ***Chapala Street – Northeasterly Between Montecito Street and Cabrillo Boulevard.*** A straight line drawn from the southeasterly line of Montecito Street to the northwesterly line of Cabrillo Boulevard, ten feet northeasterly from the northeasterly line of Chapala Street is established as a setback line, between which line and such northeasterly line of Chapala Street no structure shall hereafter be erected or placed.

5. ***Chapala Street – Southwesterly Between Montecito Street and Cabrillo Boulevard.*** A straight line drawn from the southeasterly line of Montecito Street to the northwesterly line of Cabrillo Boulevard, ten feet southwesterly from the southwesterly line of Chapala Street is established as a setback line, between which line and such southwesterly line of Chapala Street no structure shall hereafter be erected or placed.

6. ***Cliff Drive.*** Two setback lines, drawn parallel to each other and to the centerline of Cliff Drive, separated from each other by the centerline of Cliff Drive, the one being drawn on one side of the centerline of Cliff Drive and the other being drawn on the other side of such centerline of Cliff Drive, each such setback line being 55 feet distant from the centerline of Cliff Drive, and 110 feet distant from the other such setback line, at all points, and running for a distance extending from the existing West Montecito Street widening setback line on the east, to and including all portions of Cliff Drive, to the easterly side of the entrance to Arroyo Burro Beach, between which two setback lines no structure shall hereafter be erected, constructed or placed.

7. ***De la Vina Street (formerly a portion of Hollister Avenue located within the City of Santa Barbara) - Northeaterly Between Calle Laureles and Mission Street.*** A line drawn from the easterly line of Calle Laureles to the northwesterly line of Mission Street, parallel to and ten feet northeasterly from the northeasterly line of De la Vina Street (formerly Hollister Avenue) is established as a setback line, between which line and such northeasterly line of De la Vina Street (formerly Hollister Avenue) no structure shall hereafter be erected or placed.

8. ***De la Vina Street and State Street (formerly portions of Hollister Avenue located within the City of Santa Barbara Between Las Positas Road and Mission Street.*** A line drawn from the City Limits Line existing as of April 12, 1928, at Las Positas Road and State Street and along State Street and De la Vina Street to the northwesterly line of Mission Street, parallel to and ten feet southerly from the shoutherly line of State Street (formerly Hollister Avenue) and parallel to and ten feet soughwesterly from the southwesterly line of De la Vina Street (formerly Hollister Avenue) is established as a setback line, between which line and such southwesterly line of De la Vina Street (formerly Hollister Avenue) no structure shall hereafter be erected or placed.

9. ***East Cabrillo Boulevard.*** A line drawn parallel to and distant ten feet northwesterly from the line of East Cabrillo Boulevard between the northeasterly line of State Street and the southwesterly line of Santa Barbara Street is established as a setback line, between which line and such northeasterly line of East Cabrillo Boulevard no structure shall hereafter be erected or placed.

10. ***Gutierrez Street – Northwesterly Between De la Vina Street and Milpas Street.*** A straight line drawn from the northeasterly line of De la Vina Street to the southwesterly line of Milpas Street, ten feet northwesterly from the northwesterly line of Gutierrez Street is established as a setback line, between

which line and such northwesterly line of Gutierrez Street no structure shall hereafter be erected or placed.

11. ***Gutierrez Street – Southeasterly Between De la Vina Street and Milpas Street.*** A straight line drawn from the northeasterly line of De la Vina Street to the southwesterly line of Milpas Street, ten feet southeasterly from the southeasterly line of Gutierrez Street is established as a setback line, between which line and such southeasterly line of Gutierrez Street no structure shall hereafter be erected or placed.

12. ***Milpas Street – Northeasterly Between Anapamu Street and Cabrillo Boulevard.*** A straight line drawn from the southeasterly line of Anapamu Street to the northwesterly line of Cabrillo Boulevard, ten feet northeasterly from the northeasterly line of Milpas Street is established as a setback line, between which line and such northeasterly line of Milpas Street no structure shall hereafter be erected or placed.

13. ***Milpas Street – Southeasterly Between Anapamu Street and Cabrillo Boulevard.*** A straight line drawn from the southeasterly line of Anapamu Street to the northwesterly line of Cabrillo Boulevard, ten feet southwesterly from the southwesterly line of Milpas Street, is established as a setback line, between which line and such southwesterly line of Milpas Street no structure shall hereafter be erected or placed.

14. ***Montecito Street – Northeasterly Between Bath Street and Rancheria Street.*** A straight line drawn from the southwesterly line of Bath Street to the northeasterly line of Rancheria Street, ten feet northwesterly from the northwesterly line of Montecito Street, is established as a setback line, between which line and such northwesterly line of Montecito Street no structure shall hereafter be erected or placed.

15. ***Montecito Street – Southeasterly Between Bath Street and Rancheria Street.*** A straight line drawn from the southwesterly line of Bath Street to the northeasterly line of Rancheria Street, ten feet southeasterly from the southeasterly line of Montecito Street is established as a setback line, between which line and the southeasterly line of Montecito Street no structure shall hereafter be erected or placed.

D. **Variances for Street Widening Setback Lines.**

1. ***Variance by Resolution Authorized.*** Where there is need to allow variance to avoid unreasonable practical difficulties or unreasonable and unnecessary hardships resulting or arising from any setback line established by ordinance in the City, the City Council upon its own motion or upon verified petition, filed with the Clerk of the City Council, of any property owner whose property is directly affected by such setback line, shall have power to allow by its resolution upon such reasonable terms and conditions as the City Council may deem proper and under the circumstances and subject to the conditions and

provisions hereinafter specified, variance from the restrictions and prohibitions of any such setback line.

2. ***Basis for Allowing Variances.*** Variances shall be allowed and permitted under this Section when consistent with the general purpose and objective of whatever setback line may be involved; and, only in such instances and only to such extent that the public welfare, safety and convenience shall be duly secured, with substantial justice done with respect to all concerned.

3. ***Prerequisites to Granting Variance.*** Moreover, variance shall be authorized under this Section upon the following additional provisions and conditions:

   a. That whatever improvements may be constructed, erected or made pursuant to any variance authorized under this Section shall be and must be wholly removed in the event of any future public acquisition by condemnation of the real property whereon such improvements may be constructed, erected or made at the sole expense of the property owner to whom leave for such variance was granted the owner of the property at the time of the condemnation by the City.

   b. That variance shall be allowed by the City Council only upon the filing with the Clerk of the City of a written agreement and undertaking signed and acknowledged by the property owner involved and by its term binding the property owner or whoever shall be the owner of the property involved at the time of any future condemnation such as that abovementioned, to wholly remove whatever improvements may be constructed, erected or made under or pursuant to the leave granted under this ordinance, which removal shall be at the sole cost and expense of the property owner.

   c. That variance shall be allowed under this Section only upon the further express condition and provision that if the property owner signing the aforementioned written agreement and undertaking any other owner of such property at the time of condemnation thereof shall fail to wholly remove all improvements constructed, erected or made under this Section, the same may be removed by the City if it acquires by condemnation the land involved as contemplated by this Section, at the sole expense of such property owner or owners.

   d. That variance shall be authorized under this Section only upon the express provision and condition of the property owner or owners involved evidenced as above stated and expressly waiving and renouncing any and all right or claim to damages or compensation in favor of any such property owner or owners involved or otherwise arising by reason of the severance of any improvement constructed, erected or made under this Section from any other or remaining improvement or by reason of the removal of any such improvement constructed,

erected or made pursuant to leave authorized by this Section, if the City acquires the land involved by condemnation.

e. That variance shall be authorized by the City Council under this Section by resolution of the City Council setting forth the written findings of fact required by the following:

i. In order to justify any variance under the provisions of this Section, the three following qualifications must be shown relative to the property involved in the application for such variance; and, the City Council's resolution of approval in connection with any such applications must contain written findings of fact showing wherein the property involved meets the three following qualifications:

(1) That there are exceptional or extraordinary circumstances or conditions applicable to the property involved that do not apply generally to all property affected by the setback line involved, and which produce unreasonable practical difficulties or unreasonable and unnecessary hardships in the way of adhering to the setback line or lines as established without the granting of leave for any variance therefrom.

(2) That such variance is necessary for the preservation and enjoyment of a substantial property right of the petitioner in consonance and harmony with the enjoyment of their property by other neighboring owners, subject to the setback line involved.

(3) That the granting of such variance will not be materially detrimental to the public welfare or injurious to the property or improvements subject to the setback line involved.

4. ***Council's Decision to be Final.*** The decision of the City Council in granting or refusing any petition for any variance under this ordinance or any granting on its own motion any variance under this Section pursuant to the provisions of this Section, shall be final and conclusive without any right of appeal.

5. ***Petition to State Grounds for Variance.*** Every petition filed under this Section shall state fully the grounds upon which leave for variance is sought and the facts warranting the proposed allowance of variance.

6. ***Resolution to be Entered in Minutes.*** Every resolution hereafter allowing variance from any setback line shall be entered in full in the minutes of the City Council.

7. ***Compliance.*** Save and except under and as allowed pursuant to the provisions and procedure prescribed by this Section, no improvements shall be constructed, erected or made in violation of any setback line ordinance of this City within the prescribed limits established by such setback line ordinance.

30.140.210 Swimming Pools, Spas, and Similar Uses

The outside wall of the water-containing portion of any in-ground swimming pool, spa, pond, fountain, or similar in-ground water feature shall be located outside the required setbacks of the applicable zone or a minimum of 15 feet from the front lot line and five feet from all interior lot lines, whichever is less. The location of the associated mechanical equipment is subject to the standards in Section 30.140.140 Mechanical and Other Equipment.

30.140.220 Variable Density in Certain Zones

A. **Applicability.**

1. ***Applicable Zones.*** The provisions of this Section are applicable only in the R-M, R-MH, C-R, C-G, M-C, and O-R zones, and where residential uses are allowed in the CO-HV and CO-CAR zones. Overlay zones shall not prohibit the application of variable density if variable density is otherwise allowed in the applicable zone.

2. ***Effective Dates.*** The provisions of this Section shall be suspended for the period of time the Average Unit-Size Density Incentive Program established by Chapter 30.150, Average Unit-Size Density Incentive Program, is available. During the suspension of the provisions of this Section, the following shall apply:

   a. Projects developed or approved in accordance with this Section while the Average Unit-Size Density Incentive Program is in effect shall remain legal conforming land uses.

   b. Alterations and additions to variable density projects are permitted, provided the alterations or additions do not add new residential units or add bedrooms to existing residential units in excess of the number of bedrooms that could have been developed on the real property under the Variable Density Program.

B. **Allowable Density.** Lots may be used as a building site for more units than the maximum base density of the applicable zone if the number of bedrooms in the residential unit is limited in accord with the following:

1. ***Studio unit:*** One unit per 1,600 square feet of lot area.

2. ***One bedroom unit:*** One unit per 1,840 square feet of lot area.

3. ***Two bedroom unit:*** One unit per 2,320 square feet of lot area.

4. ***Three or more bedroom unit:*** One unit per 2,800 square feet of lot area.

C. **Exception.** Existing lots with less than 5,000 square feet of net lot area shall not be used as a building site under this Section for more than two residential units.

30.140.230 Visibility at Driveways and Intersections

A. **Applicability.** Visibility at driveways and intersections shall be maintained in accordance with this Section, unless the Public Works Director grants a Minor Zoning Exception, pursuant to Chapter 30.245, Minor Zoning Exceptions, upon finding that the granting of such exception will not create or exacerbate an obstruction of the necessary sightlines for safe operation of motor vehicles.

B. **Driveways.** Visibility at a driveway that crosses a front property line shall not be blocked above a height of 42 inches within the triangle areas described below:

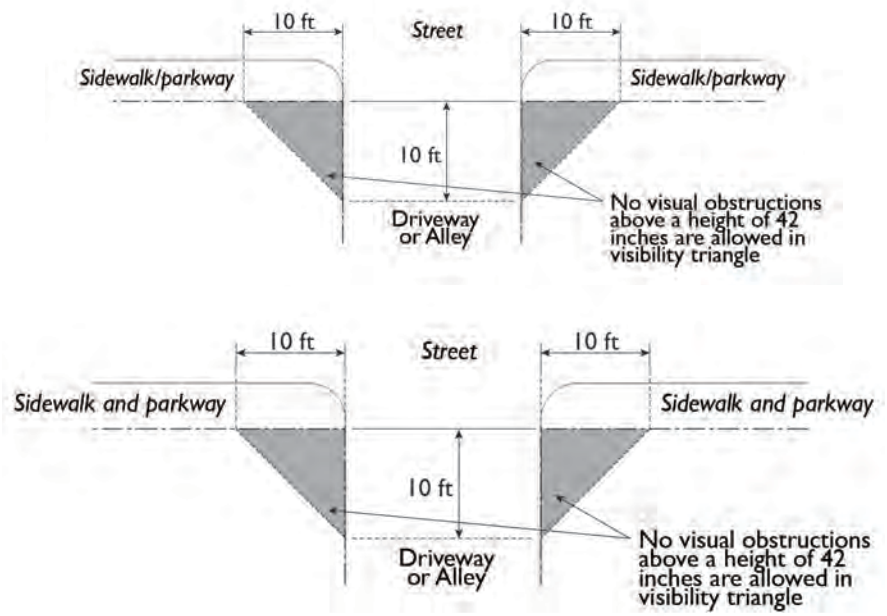
1. ***Street with Sidewalk ~~or~~ and Parkway.*** When a driveway directly abuts a portion of a street with a sidewalk ~~or~~ and parkway, the triangle is measured on two sides by a distance of 10 feet from the side of a driveway and 10 feet back from the front lot line.

2. ***Street without Sidewalk ~~or~~ and Parkway.*** When a driveway directly abuts a portion of a street without a sidewalk ~~or~~and parkway, the minimum required site distance is established based on legal vehicle speed and the position of the driver's eye in relation to the intersection as determin~~t~~ed by the Public Works Director. The Public Works Director may require additional site distance due to site-specific conditions.

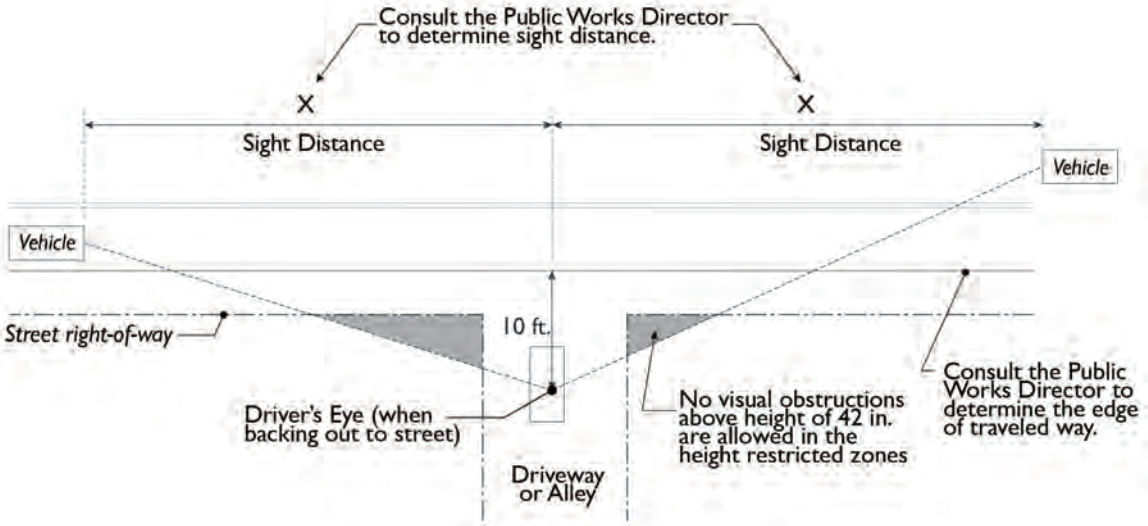
C. **Street Intersections.** The required site distance is established based on legal vehicle speed and the position of the driver's eye in relation to the intersection as determined by the Public Works Director. Structures and landscape located adjacent to intersections controlled by an all-way stop are not subject to additional height restrictions pursuant to this subsection. The Public Works Director may require additional site distance due to site-specific conditions.

D. **Required Reduction for Safety.** If the height of any landscaping or structure obstructs the sightlines required for the safe operation of motor vehicles, the Public Works Director may declare the obstruction to be a public nuisance and require the removal, relocation or reduction of the obstruction in order to provide for the safe operation of motor vehicles.

FIGURE 30.140.230: VISIBILITY AT DRIVEWAYS AND INTERSECTIONS



WITH SIDEWALK ~~OR~~ AND PARKWAY



WITHOUT SIDEWALK AND ~~OR~~ PARKWAY

30.140.240 Waste, Recycling, and Outdoor Storage

All new and existing waste, recycling, and outdoor storage areas shall comply with the requirements of this Section.

A. **Waste and Recycling Storage.** Appropriately screened and located storage areas for solid waste and recycling receptacles that provide sufficient capacity for the development or use shall be provided, as follows:

1. ***Compliance with the City Trash and Recycling Enclosure Design Guide.*** Waste and recycling storage areas shall comply with the City Trash and Recycling Enclosure Design Guide.

2. ***Screening.*** Waste and recycling receptacle storage areas shall be hidden from view by a fence or enclosure, compatible with adjacent architecture, with a minimum height of five feet for carts/cans, and seven feet for dumpsters, from any parking lot, right-of-way, or adjoining residential property. This requirement may be reduced or waived by the appropriate Design Review body if the waste and recycling receptacle storage area is determined to be adequately screened pursuant to Section 30.15.120, Screening.

3. ***Access.*** Adequate access to and from the waste and recycling receptacle storage areas shall be provided including to the waste hauler access point.

4. ***Visibility.*** Waste and recycling receptacle storage areas shall comply with all height limitations pursuant to Section 30.140.230, Visibility and Driveways and Intersections.

5. ***Maintenance.*** Waste and recycling receptacle storage areas shall be maintained in good condition, free of visible debris, and shall not be used for anything other than storing waste and recycling receptacles. Waste and recycling receptacle storage areas shall not create a nuisance, hazard, or other objectionable condition, pursuant to Chapter 30.180, Performance Standards.

6. ***Location.*** No portion of any front yard, setback, open yard, or front porch shall be used to store waste, recycling or similar receptacles. However, waste, recycling, or similar receptacles provided by the City's contracted local waste hauler may encroach into an interior setback, front yard, or front setback, if located in an enclosure, and located no closer than 10 feet to the front lot line; under the following conditions:

   a. A Minor Zoning Exception pursuant to Chapter 30.245, Minor Zoning Exceptions, is approved by the appropriate Design Review body, with the following findings:

      i. In addition to the findings required by Chapter 30.245, Minor Zoning Exceptions, the Minor Zoning Exception may only be granted where the Design Review body finds that the waste and recycling enclosure is not anticipated to create a nuisance, hazard, or other objectionable condition, pursuant to Chapter 30.180, Performance Standards .

   b. The setback encroachments is for existing development only. The encroachment is not available for new structures, additions, or substantial

redevelopment~~demolitions~~ to existing structures where the proposed project can provide a conforming location.

c. When located within a setback or front yard, the waste and recycling enclosure shall be unroofed and shall not exceed the size required to store the receptacles, as determined by the City's Environmental Services Division.

B. **Outdoor Storage.** No portion of any front yard or any setback, required open yard, or front porch shall be used for the storage or parking of motor vehicles, trailers, airplanes, boats, parts of any of the foregoing, appliances, loose rubbish or garbage, junk, tents, building materials, compost pile, or any similar item, for a period of 48 or more consecutive hours, except as provided below.

1. Storage established as a permitted use with a permit or approval, as provided in this Title.

2. Construction materials for use on the same premises may be stored during the time that a valid permit is in effect for construction on the premises.

Chapter 30.145 Affordable Housing and Density Bonus and Development Incentives

Sections:

30.145.010 Intent
30.145.020 Density Bonus Under State Law
30.145.030 Density Bonus Under City Program
30.145.040 Denial of Affordable Housing Projects

30.145.010 Intent

The intent of this Section is to provide incentives for the development of housing affordable to very-low income, lower income, senior and other qualifying households. State law mandates the provision of density bonuses to senior, very-low, and lower income households under certain circumstances. The City of Santa Barbara has created a separate density bonus program for certain other households.

30.145.020 Density Bonus Under State Law

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

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

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

C. **Childcare Facility Density Bonus.** When an applicant proposes to construct a housing development that conforms to the requirements of the State Density Bonus law and includes a childcare facility other than a Family Day Care Home that will be located on the premises of, as part of, or adjacent to the project, the City shall grant additional density bonus or additional concession or incentive as required by State law.

D. **Procedure.**

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

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

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

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

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

30.145.030 Density Bonus Under City Program

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

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

30.145.040 Denial of Affordable Housing Projects

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

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

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

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

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

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

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

Chapter 30.150 Average Unit-Size Density Incentive Program

Sections:

30.150.010 Purpose
30.150.020 Definitions
30.150.030 Permitted Zones for the Program
30.150.040 Program Duration
30.150.050 Status of R-M and R-MH Residential Density
30.150.060 Pre-Application and Concept Review Required
30.150.070 Average Unit-Size Density Incentives
30.150.080 Average Unit Size and Inclusionary Housing Projects
30.150.090 Additional Development Incentives

30.150.010 Purpose

The Average Unit-Size Density Incentive Program carries out a key program directed by the 2011 General Plan. The Program facilitates the construction of smaller housing units by allowing increased density and development standard incentives in selected areas of the City. Housing types that provide housing opportunities to the City's workforce are encouraged and facilitated by the program. The Average Unit-Size Density Incentive Program will be in effect for a trial period of either eight years or until 250 residential units have been constructed in the areas designated for High Density residential [as defined in Subsection 30.150.070.B, High Density] or the Priority Housing Overlay [as defined in Section 30.150.070.C, Priority Housing Overlay], as shown on the City's Average Unit-Size Density Incentive Program Map, whichever occurs earlier.

30.150.020 Definitions

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

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

B. **Average Unit Size.** The total of the net floor area of each of the residential units in a project and divided by the number of residential units in that project. Common areas not controlled by the occupant of an individual residential unit are excluded from the Average Unit Size.

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

1. Priority Housing;
2. Housing affordable to very low, low, moderate, or middle income households as defined in Chapter 30.160, Inclusionary Housing; and
3. Transitional Housing and Supportive Housing.

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

E. **Net Floor Area.** See Section 30.15.070, Measuring Floor Area.

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

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

H. **Priority Housing.** Priority Housing includes the following three categories of housing:

1. Employer-Sponsored Housing;
2. Limited-Equity Housing Cooperatives; and
3. Rental Housing.

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

30.150.030 Permitted Zones for the Program

The Average Unit-Size Density Incentive Program as established herein is a density incentive program available in the following zones of the City: R-M, R-MH, O-R, C-R, C-G, M-C, CO-HV, and CO-CAR zones, as shown on the City of Santa Barbara Average Unit-Size Density Incentive Program Map attached hereto as Exhibit A. The fact that a lot may be subject to an overlay zone does not preclude the application of the Average Unit-Size Density Incentive Program on that lot if the Average Unit-Size Density Incentive Program is otherwise allowed in the base zoning of that lot. Development Projects developed in accordance with the provisions of the Average Unit-Size Density Incentive Program shall comply with the development standards specified in this Chapter

30.150.040 Program Duration

A. **Initial Program Period.** The Average Unit-Size Density Incentive Program shall have an initial duration of eight years after the effective date of the ordinance codifying this Chapter or until 250 new residential units under this program are constructed (as evidenced by the issuance of a Certificate of Occupancy) within the areas of the City designated for High Density Residential or the Priority Housing overlay (as shown on the City of Santa Barbara Average Unit-Size Density Incentive Program Map attached to this Chapter as Exhibit A), whichever occurs sooner.

B. **Exclusion of Low and Very Low Housing Units.** Housing projects that are affordable to low-income and very low-income households, as defined in the City's Affordable Housing Policies and Procedures, will not count towards the 250-unit Program limit established in subsection A, above.

C. **Pending Applications.** Any application for new development that is deemed complete prior to the expiration of the Program term established in Subsection A, Initial Program Period, above, or the issuance of the certificate of occupancy for the 250th residential unit (whichever occurs sooner) may continue to be processed and potentially approved under the Average Unit-Size Density Incentive Program.

30.150.050 Status of R-M and R-MH Residential Density

Notwithstanding the provisions of Chapter 30.20, Residential Zones, for the duration of the Average Unit-Size Density Incentive Program established in Subsection 30.150.040.A, Initial Program Period, the following incentive program is available regarding the residential density of new development projects in zones of the City which otherwise would apply the R-M residential density:

A. **Average Unit-Size Density Incentive Program.** Projects developed in accordance with the provisions of the Average Unit-Size Density Incentive Program established in Section 30.150.070, Average Unit-Size Density Incentives, hereof are exempt from the standard R-M residential density provisions specified in Table 30.20.030.B, Development Standards–Two-Unit and Multi-Unit Zones.

B. **Development of Affordable Housing.** Projects that meet the affordability criteria of the State Density Bonus Law or the City's Affordable Housing Policies and Procedures may continue to propose development pursuant to the density incentives established in Chapter 30.145, Affordable Housing and Density Bonus and Development Incentives.

30.150.060 Pre-Application and Concept Review Required

A. **Planning Commission Concept Review.** Concept Review by the Planning Commission pursuant to Section 30.205.040, Concept Review, is required for all rental housing projects proposed in accordance with the provisions of the Average Unit-Size Density Incentive Program when all of the following conditions apply:

1. The project does not require another discretionary approval by the Planning Commission pursuant to any other provision of this Title; and
2. The project site includes a lot with a High Density Residential land use designation or the project is being proposed under the Average Unit-Size Density Incentive Program Priority Housing Overlay; and
3. The project site has a combined net lot area of 15,000 square feet or greater.

B. **Review by Pre-Application Review Team**. All Average Unit-Size Density Incentive Program projects subject to Planning Commission Concept Review pursuant to this Subsection 30.150.060.A above, shall be reviewed by the Pre-Application Review Team pursuant to Section 30.205.030, Pre-Application Review.

C. **Initial Concept Review by Design Review Body.** Initial Concept Review by the appropriate Design Review body shall occur prior to Concept Review by the Planning Commission. The applicant may elect to have additional Concept Reviews by the appropriate Design Review body, prior to the review by the Planning Commission.

D. **Pre-Application Review Team Report.** Prior to their review, the Planning Commission shall receive a written report from the Pre-Application Review Team concerning the proposed design and improvement of the project and the project's consistency with the City's General Plan.

E. **Planning Commission Comment and Recommendations.** The Planning Commission shall provide comment and recommendation by majority vote regarding the proposed design and improvement of the project and the project's consistency with the City's General Plan. The Planning Commission comments and recommendations are intended for use by the applicable Design Review body in their deliberations.

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

G. **Additional Planning Commission Review.** If a project is subject to Planning Commission Concept Review pursuant to this Section, the Historic Landmarks Commission cannot elect to refer the project to the Planning Commission pursuant to Section 22.22.133 of the Santa Barbara Municipal Code, and the Architectural Board of Review cannot elect to refer the project to the Planning Commission pursuant to Section 22.68.050 of the Santa Barbara Municipal Code. However, the project applicant may request an additional concept review of the project by the Planning Commission.

30.150.070 Average Unit-Size Density Incentives

The Average Unit-Size Density Incentive Program offers project applicants residential unit density incentives as alternatives to the base residential densities specified for the particular City zones in which the program is available. The Average Unit-Size Density Incentive Program consists of three density tiers which may apply based upon the City's General Plan land use designation for the lot and the nature of the development being proposed as follows:

A. **Medium-High Density.** The Medium-High density tier applies to those lots with a City General Plan land use designation of Medium High Density Residential. The Medium-High density tier allows the development of projects at residential densities ranging from 15 to 27 residential units per acre. The maximum average unit size within the Medium-High density tier varies from 1,450 square feet of floor area to 905 square feet of floor area, depending upon the number of units per acre being developed, as specified in the Average Unit-Size Density Incentive Program Table attached to this Chapter as Exhibit B and incorporated by this reference as though fully set forth herein.

B. **High Density.** The High Density tier applies to those lots with a City General Plan land use designation of High Density Residential. The High Density tier allows the development of projects at residential densities ranging from 28 to 36 residential units per acre. The maximum average unit size within the High Density tier varies from 1,245 square feet of floor area to 970 square feet of floor area, depending upon the number of units per acre being developed, as specified in the Average Unit-Size Density Incentive Program Table attached to this Chapter as Exhibit B.

C. **Priority Housing Overlay.** The Priority Housing Overlay applies to lots within the City with a City General Plan land use designation of High Density Residential and lots zoned M-C (regardless of the General Plan land use designation) as shown on the City of Santa Barbara Average Unit-Size Density Incentive Program Map attached to this Chapter as Exhibit A. The Priority Housing Overlay allows the development of projects at residential densities ranging from 37 to 63 residential units per acre. The maximum average unit size within the Priority Housing Overlay varies from 970 square feet of floor area to 811 square feet of floor area, depending upon the number of units per acre being developed, as specified in the Average Unit-Size Density Incentive Program Table attached to this Chapter as Exhibit B. The Priority Housing Overlay is only available for Rental Housing, Employer-Sponsored Housing, or Limited-Equity Housing Cooperative. A project developed under the Priority Housing Overlay may have a mixture of Priority Housing categories (i.e., a portion of the project may be Rental Housing while another portion of the project may be Employer-Sponsored housing).

D. **Process to Establish Priority Housing.** For the purposes of this Chapter, the different forms of Priority Housing shall be established in the following manner:

1. ***Employer-Sponsored Housing***. In order to qualify for the density incentives allowed under the Average Unit-Size Density Incentive Program, the applicant for a proposed Employer-Sponsored Housing project should typically propose a project which contains a range of residential unit sizes and which offers a range of rents or purchase prices, some of which are affordable to a household earning 200 percent of the Area Median Income or less at the time of the initial occupancy of the project. The owner of an approved Employer-Sponsored Housing project must record a written instrument against the real property, in a form acceptable to the City Attorney, by which the employer sponsor(s) that owns the real property agrees to limit the occupancy of each residential unit to

a household who occupies the unit as their primary residence and which includes at least one person who is primarily employed at a place of employment located within the south coast region of Santa Barbara County for as long as the property is developed and maintained at the incentive densities.

2. ***Limited-Equity Housing Cooperative.*** In order to qualify for the density incentives provided under the Average Unit-Size Density Program, all of the residential units within the Limited-Equity Housing Cooperative must be affordable to households earning up to 250 percent of the Area Median Income measured at the time of purchase, as affordability is defined in the City's Affordable Housing Policies and Procedures, and a covenant containing this requirement (in a form acceptable to the City Attorney) shall be recorded against the real property to this effect.

3. ***Rental Housing***. In order to qualify for the Priority Housing Overlay density incentives allowed under the Average Unit-Size Density Incentive Program, the owner of real property developed with Rental Housing must record a written covenant, in a form acceptable to the City Attorney, by which the owner agrees to maintain the rental housing use for as long as the property is developed and maintained at the incentive densities provided for in this Chapter.

E. **Residential Unit Sizes.** The unit sizes shown in the Average Unit-Size Density Incentive Program Table are the maximum average residential unit sizes allowed for the corresponding residential densities specified in the applicable density tier. Projects may be developed under the Average Unit-Size Density Incentive Program at a residential density that is greater than the base density for the zone in which the lot is located, but at a residential density that is less than the density range specified in the density tier assigned to the lot by its City General Plan land use designation. However, the average unit size of any project that is developed at a residential density which exceeds the base density for the zone in which the lot is located through the application of the Average Unit-Size Density Incentive Program may not exceed the maximum average unit size for the applicable residential density tier as specified in the Average Unit-Size Density Incentive Program Table attached to this Chapter as Exhibit B.

30.150.080 Average Unit Size and Inclusionary Housing Projects

If a project developed in accordance with the Average Unit-Size Density Incentive Program of this Chapter is required to comply with the City's Inclusionary Housing Ordinance (Chapter 30.160), and if the owner of the Project elects to provide the inclusionary units on-site as part of the project (as opposed to paying the allowed in-lieu fee allowed by Chapter 30.160), the increased number of residential units to which the owner is entitled under Chapter 30.160 shall also comply with the maximum average unit size for the base density of the project under the Average Unit-Size Density Incentive Program.

30.150.090 Additional Development Incentives

A. **Development Standards Generally.** In order to further encourage the development of projects in accordance with the provisions of this Average Unit-Size Density Incentive Program, the development standards listed in this Section are allowed for those projects developed and maintained in accordance with the Average Unit-Size Density Incentive Program. Except as otherwise specified in this Section, projects developed in accordance with the provisions of the Average Unit-Size Density Incentive Program shall otherwise comply with the development standards applicable to the applicable zone in which the lot is located.

B. **Market Rate Ownership Projects Within the Upper State Street Area (USS) Overlay Zone.** Projects developed with market rate ownership units, on lots with a City General Plan land use designation of Medium-High Density, and within the Upper State Street Area (USS) Overlay Zone, shall comply with Upper State Street Area (USS) Overlay Zone development standards as required by Chapter 30.85.

C. **Maximum Height.** Projects developed and maintained in accordance with the Average Unit-Size Density Incentive Program shall conform to the maximum height standards specified within the zone in which the lot is located.

D. **Maximum Floor Area.** Average Unit-Size Density Incentive Program projects in the USS Overlay Zone are not subject to the USS Overlay Zone Maximum Floor Area limitations of Chapter 30.85, except, that projects developed with market-rate ownership units on lots with a City General Plan land use designation of Medium-High Density and located within the USS Overlay Zone shall comply with USS Overlay Zone Maximum Floor Area limitations of Chapter 30.85.

E. **Setbacks.** Projects developed and maintained in accordance with the Average Unit-Size Density Incentive Program shall observe the following setback standards:

1. ***O-R, C-R, C-G, and M-C Zones and the USS Overlay Zone.*** Projects developed in accordance with the Average Unit-Size Density Incentive Program in the O-R, C-R, C-G, and M-C Zones and the USS Overlay Zone shall observe the following setback standards:

a. *Front Setback.*

i. <u>State Street and First Blocks of Cross Streets.</u> Projects on lots fronting State Street between Montecito Street and Sola Street, and lots fronting the first block east or west of State Street on streets that cross State Street between and including Montecito Street and Sola Street, shall not be required to provide a front setback.

ii. <u>Nonresidentially-Zoned Lots Subject to the USS Overlay Zone.</u> Projects developed on nonresidnetially-zoned lots within the USS Overlay Zone shall observe a front setback of ten feet; provided, however, that projects on nonresidentially

zoned lots in the Medium-High Density designation and developed with market rate ownership units shall observe the front setback standards of the USS Overlay Zone required by Chapter 30.85.

iii. All Other Lots. Projects on lots that do not front on the streets specified in Subparagraph 30.150.090E.1.a.i, State Street and First Blocks of Cross Streets, shall observe the following front setback standard:

(1) A uniform front setback of five feet shall be provided except where that portion of the structure which intrudes into the required five-foot front setback is appropriately balanced with a front setback area that exceeds the minimum five-foot front setback. The additional compensating setback area shall be in the front yard, and not located farther from the adjacent front lot line than one half of the depth of the lot.

b. *Interior Setback Adjacent to Nonresidential Zone.* No interior setback is required for those projects adjacent to a nonresidential zone; provided, however, that projects on nonresidentially-zoned lots in the Medium-High Density designation within the USS Overlay Zone and developed with market rate ownership units shall observe the interior setback standards required by the applicable zone.

c. *Interior Setback Adjacent to Residential Zone.* A uniform interior setback of six feet shall be provided except for those projects where that portion of the structure which intrudes into the required six foot interior setback is appropriately balanced with an interior setback area that exceeds the minimum six foot interior setback; provided, however, that projects developed on nonresidentially-zoned lots in the Medium-High Density designation within the USS Overlay Zone and developed with market rate ownership units shall observe the interior setback standards required by the applicable zone.

2. ***R-M and R-MH Zones.*** Projects on lots developed in accordance with the Average Unit-Size Density Incentive Program in the R-M and R-MH Zones, except for market rate ownership projects within the USS Overlay Zone, shall observe the same setbacks as the R-M and R-MH Zones.

3. ***CO-HV and CO-CAR Zones.*** Lots developed in accordance with the Average Unit-Size Density Incentive Program in the CO-HV and CO-CAR Zones shall observe the setback standards required by the applicable zone

F. **Parking.** As an alternative to the residential parking requirements specified in Chapter 30.175, Parking Regulations, projects developed under the Average Unit-Size Density Incentive Program may observe the following residential parking requirements; provided, however, that projects on lots in the Medium-High Density designation subject

to the USS Overlay Zone and developed with market rate ownership units shall observe the parking requirements required by the applicable zone:

1. ***Residential Units.*** A minimum of one covered or uncovered parking space shall be provided for each residential unit. Residential units developed under this Chapter shall not qualify for any additional Parking Exceptions or Reductions pursuant to Chapter 30.175, Parking Regulations.

2. ***Bicycle Parking.*** A minimum of one covered and secured bicycle parking space shall be provided for each residential unit.

3. ***Guest Parking.*** Guest parking is not required.

4. ***Other Parking Regulations.*** Other than the number of required off-street parking spaces pursuant to Table 30.175.040, Required Off-Street Parking Spaces, projects developed under this Chapter shall observe all of the parking standards specified in Chapter 30.175, Parking Regulations.

G. **Open Yard**. Projects developed in accordance with the Average Unit-Size Density Incentive Program shall provide open yard as follows:

1. ***Residential Zones.*** Projects in residential zones shall provide the open yard requirements specified by Section 30.140.150, Open Yards.

2. ***Nonresidential Zones.***

   a. Projects in nonresidential zones, in the Medium-High Density designation, within USS Overlay Zone, and developed with market rate ownership units shall provide the Open Yard requirements specified by Section 30.140.150, Open Yards.

   b. All other projects in nonresidential zones shall provide open yard as follows:

      i. Private open yard, pursuant to Section 30.140.150, Open Yards; and

      ii. On lots developed with four or more residential units, one additional area, located on grade or on a roof deck, is required with minimum dimensions of 15 feet long and 15 feet wide for use as a common open yard accessible to all residential units on the lot.

      iii. An Alternative Open Yard Design that meets the following standards is allowed to replace a and b above.

         (1) *Minimum Area:* 15 percent of the net lot area located on the ground or on decks of any height, or on any floor of the building or structure;

(2) *Standards and Location:* Except those for private open yards, all open yard standards and location requirements, pursuant to Section 30.140.150, Open Yards, are met; and

(3) *Common Open Yard Area.* At least one area with a minimum dimension of 20 feet long and 20 feet wide, located on the ground or on decks of any height, or on any floor of the building or structure, that is accessible to all units for use as a common open yard area is provided.

EXHIBIT A: AVERAGE UNIT-SIZE DENSITY INCENTIVE PROGRAM MAP

(Figure Placeholder)

EXHIBIT B: AVERAGE UNIT-SIZE DENSITY (AUD) INCENTIVE PROGRAM TABLE					
Medium-High Density (15-27 du/ac)		*High Density (28-36 du/ac)*		*Priority Housing Overlay (37-63 du/ac)*	
Maximum Average Unit Size (sf)	*Density (du/ac)*	*Maximum Average Unit Size (sf)*	*Density (du/ac)*	*Maximum Average Unit Size (sf)*	*Density (du/ac)*
1,450	15	1,245	28	970	37
1,360	16	1,200	29	970	38
1,280	17	1,160	30	970	39
1,210	18	1,125	31	970	40
1,145	19	1,090	32	970	41
1,090	20	1,055	33	970	42
1,040	21	1,025	34	970	43
1,005	22	995	35	970	44
985	23	970	36	970	45
965	24	–	–	970	46
945	25	–	–	970	47
925	26	–	–	970	48
905	27	–	–	969	49
–	–	–	–	960	50
–	–	–	–	941	51
–	–	–	–	935	52
–	–	–	–	917	53
–	–	–	–	901	54
–	–	–	–	896	55
–	–	–	–	880	56
–	–	–	–	874	57
–	–	–	–	859	58
–	–	–	–	845	59
–	–	–	–	840	60
–	–	–	–	827	61
–	–	–	–	825	62
–	–	–	–	811	63

Chapter 30.155 Conversion of Residential Units to Condominiums, Hotels, or Similar Uses

Sections:

30.155.010 Purpose
30.155.020 Community Apartments and Stock Cooperatives
30.155.030 Date of Conversion
30.155.040 Permit Required; Exceptions
30.155.050 Issuance of Permits
30.155.060 Requirements and Procedures
30.155.070 Physical Standards for Condominium Conversions
30.155.080 Conversions of Residential Units to Hotels or Similar Uses
30.155.090 Application Requirements for Condominium and Time Share Conversions
30.155.100 Application Requirements for Conversions to Hotels or Similar Uses
30.155.110 Additional Submittals for Conversions to Condominiums or Hotel Units
30.155.120 Acceptance of Reports
30.155.130 Copy to Buyers
30.155.140 Hearing
30.155.150 Tenant Protection Provisions
30.155.160 Effect of Proposed Conversion on the City's Low- and Moderate-Income Housing Supply
30.155.170 Required Findings
30.155.180 Maximum Number of Conversions

30.155.010 Purpose

A. To establish criteria for the conversion of existing residential units to condominiums, community apartments, cooperative apartments, hotels or similar uses.

B. To reduce the impact of such conversions on residents who may be required to relocate due to the conversion of residential units to condominiums, community apartments, and stock cooperatives, hotels or similar uses by providing procedures for notification and adequate time and assistance for such relocation.

C. To ensure that the purchasers of converted housing have been properly informed as to the physical condition of the structure which is offered for purchase.

D. To ensure that converted housing achieves high quality appearance and safety, and is consistent with the goals of the City's General Plan and conforms or is legally nonconforming with the density requirements of the General Plan's Land Use Element.

E. To attempt to balance the opportunity for housing ownership of all types, for all levels of income and in a variety of locations with the need to maintain a supply of rental housing which is adequate to meet the housing needs of the community.

F. To attempt to maintain a supply of rental housing for low and moderate income persons and families.

30.155.020 Community Apartments and Stock Cooperatives

Conversion to community apartments and stock cooperatives shall be subject to the same restrictions, conditions, and requirements as condominiums. All references to a "condominium" in this Chapter shall be deemed to include community apartment, and stock cooperative, except where specifically noted.

30.155.030 Date of Conversion

As used in this Chapter, the "date of conversion" for condominium conversions shall mean the date the final or parcel map for the project is filed with the County Recorder following its approval by the Staff Hearing Officer or Planning Commission or, if an appeal is filed, by the City Council. For hotels or similar uses, the "date of conversion" is the date of issuance of the conversion permit by the Community Development Director after the Staff Hearing Officer or Planning Commission, or the City Council on appeal, approves the conversion.

30.155.040 Permit Required; Exceptions

A. **Permit Required.** No applicant shall convert existing residential units to a condominium, hotel or similar use without first having said conversion approved by the Planning Commission or the City Council on appeal, and having been issued a conversion permit by the Community Development Director. For conversions of residential units to condominium units, the body that shall serve as the Advisory Agency for the required subdivision, as specified in Section 27.03.010 of the Santa Barbara Municipal Code, shall review the application for the conversion pursuant to this Chapter.

B. **Exceptions to Requirements for Conversion Permits.** The following shall be exempt from the provisions of this Chapter:

1. A project creating a condominium, hotel or similar use and using no more than one existing residential unit as part of said project shall not be considered a conversion. To qualify for this exception, the number of residential units on the project site shall not have been previously reduced by use of this exception clause. For the purposes of this exclusion, the number of existing residential unit(s) shall be determined on the date of application for the permit. If the project calls for destruction of the structure housing the residential unit(s), those units shall not be counted as existing unit(s).

2. A stock cooperative or community apartment which has received final approval from the California Department of Real Estate or has otherwise been legally created prior to the adoption date of the ordinance establishing this Chapter.

No exception under this Subsection shall affect the applicability of the Zoning Ordinance, the California Building Code as adopted and amended by the City, or other applicable ordinances or regulations.

30.155.050 Issuance of Permits

A. The Community Development Director shall issue a conversion permit with a determination that:

1. The applicant has complied with all the applicable City or State regulations in effect at the time the conversion application was deemed to be complete, and
2. The applicant has complied with the conditions of approval.

B. Once issued, the conversion permit can be revoked only because of the failure of the applicant or successors in interest to comply with the conditions of approval.

C. An approval shall expire if the tentative subdivision map expires. For hotels or similar uses, an approval shall expire in the same period of time as projects requiring a tentative map unless a conversion permit has been issued by the Community Development Director.

30.155.060 Requirements and Procedures

No existing building containing a residential unit shall be approved for conversion to a condominium or hotel unless it meets the standards set forth in the following requirements:

A. All residential buildings shall, on the date of conversion, be in compliance with the minimum Housing Code standards as adopted by the City of Santa Barbara and those of the State of California.

B. All buildings shall, on the date of conversion, be in compliance with the exit and occupancy requirements and the height and area requirements for the type of construction and occupancy involved as outlined in the California Building Code as adopted and amended by the City.

C. All buildings sought to be converted are, on the date of conversion, in all respects in compliance with this Title and the goals and policies of the General Plan, or legally nonconforming therewith. Notwithstanding the provisions of Chapter 30.165, Nonconforming Structures, Site Development and Uses, any legally nonconforming building or buildings for which a condominium conversion application is approved may be remodeled or otherwise physically changed provided the changes do not increase or intensify the element of the building that is nonconforming.

D. All condominium projects differentiated from hotels or similar uses, shall be subject to all applicable provisions of the Subdivision Map Act and Title 27 of the Santa Barbara Municipal Code.

E. Once a building permit has been issued, a building may not be converted unless the certificate of occupancy for the building was issued more than five years prior to the date the owner files with the City an application for the approval of a tentative condominium map or conversion to a hotel or similar use, unless the building satisfies the City's requirements for new condominium construction.

30.155.070 Physical Standards for Condominium Conversions

To achieve the purpose of this Chapter, the Staff Hearing Officer or Planning Commission, prior to the date of conversion, shall require that all condominium conversions conform to the Santa Barbara Municipal Code in effect at the time of approval except as otherwise provided in this Chapter. The Staff Hearing Officer or Planning Commission, prior to the date of conversion, shall require conformance with the standards of this Section in approving an application for conversion.

A. **Unit Size.** The enclosed livable area of each unit shall be not less than 600 square feet.

B. **Fire Prevention.**

1. ***Smoke Detectors.*** Each living unit shall be provided with approved detectors of products of combustion other than heat conforming to standards of the California Building Code as adopted and amended by the City, mounted on the ceiling or wall at a point centrally located in the corridor or area giving access to rooms used for sleeping purposes.

2. ***Maintenance of Fire Protection Systems.*** All on-site fire hydrants, fire alarm systems, portable fire extinguishers, and other fire protective appliances shall be retained in an operable condition at all times, maintained by the Homeowner's Association and delineated in the Covenants, Conditions and Restrictions.

C. **Sound Transmission.** Wall and floor-ceiling assemblies shall conform to Title 25, California Code of Regulations, Section 1092, or its successor, or permanent mechanical equipment, including domestic appliances, which is determined by the Chief Building Official to be a potential source of vibration or noise, shall be shock mounted, isolated from the floor and ceiling, or otherwise installed in a manner approved by the Chief Building Official to lessen the transmission of vibration and noise. Floor covering may only be replaced by another floor covering that provides the same or greater insulation. The requirements of this paragraph shall not apply to a unit in a building with no other unit(s).

D. **Utility Metering.**

1. The consumption of gas and electricity within each unit shall be separately metered so that the unit owner can be separately billed for each utility. Each unit shall have its own electrical panel, or access thereto, for all electrical circuits which serve the unit. A gas shut-off valve shall be provided for each unit and for each gas appliance.

2. Each residential unit shall be served by a separate City water meter. An additional separate City meter shall be provided to serve the landscaped areas in projects that include five or more residential units.

3. All plumbing fixtures shall conform to the standards for water saving devices as contained in the Uniform Plumbing Code as adopted and amended by the City of Santa Barbara in Chapter 22.04 of the Santa Barbara Municipal Code.

4. An exception to any requirement of this subsection may be granted by the Staff Hearing Officer or Planning Commission if the following requirements are met:

   a. A licensed engineer has determined that compliance with the requirement cannot practically be accomplished and the applicant has included alternative measures to accomplish conservation equivalent to that which would be expected through compliance with the requirement;

   b. The Public Works Director has reviewed the proposed exception and the proposed alternative measures and has concurred that equivalent conservation is likely to be accomplished as a result thereof. Measures proposed as alternatives to the water conservation requirements of this subsection may include, but are not limited to, installation of privately owned sub-meters on each residential unit, conversion of existing landscaped areas to conform with current standards for water conserving landscaping, and installation of additional separate City meters to serve groups of residential units.

E. **Private Storage Space.** Each unit shall have at least 200 cubic feet of enclosed weatherproofed and lockable private storage space, in addition to guest, linen, pantry, and clothes closets customarily provided. Such space shall be for the sole use of the unit owner. Such space shall be accessible from the garage or parking area for the units it serves.

F. **Laundry Facilities.** A laundry area shall be provided in each unit; or if common laundry areas are provided, such facilities shall consist of not less than one automatic washer and dryer for each five units or fraction thereof.

G. **Condition of Equipment and Appliances.** The applicant shall provide written certification to the buyer of each unit on the initial sale after conversion that any dishwashers, garbage disposals, stoves, refrigerators, hot water tanks, and air-conditioners that are provided are in working condition as of the close of escrow. At such time as the Homeowner's Association takes over management of the development, the applicant shall provide written certification to the Association that any pool and pool equipment and any appliances and mechanical equipment to be owned in common by the Association is in working condition.

H. **Public Easements.** The applicant shall make provisions for the dedication of land or easements for street widening, public access or other public purpose in connection with the project where necessary and in accordance with established planned improvements.

I. **Refurbishing and Restoration.** All main buildings, structures, fences, patio enclosures, carports, accessory buildings, sidewalks, driveways, landscaped areas, irrigation systems, and additional elements as required by the Staff Hearing Officer or Planning Commission shall be refurbished and restored as necessary to achieve high quality appearance and safety.

J. **Parking Standards.** Off-street parking for a conversion project shall be provided pursuant to Table 30.175.040, Required Off-Street Parking Spaces. Covered parking and guest parking is not required.

K. **Physical Elements.** Any physical element identified in the Physical Elements Report as having a useful life of less than two years shall be replaced.

L. **Open Yard.** Open Yard for a conversion project shall be provided as required in Section 30.140.150, Open Yards.

M. **Accessibility and Adaptability.** All conversions involving five or more units shall meet the accessibility and adaptability requirements of the State Housing and Community Development Commission.

N. **Exceptions.** The Staff Hearing Officer or Planning Commission may grant an exception to the physical standards set forth in Subsections A, Unit Size; E, Private Storage Space; F, Laundry Facilities; J, Parking Standards; L, Open Yard; and M, Accessibility and Adaptability, of this Section if it makes any of the following findings:

1. The economic impact of meeting the standard is not justified by the benefits of doing so;
2. The project includes design features or amenities which offset the project's failure to meet the standard;
3. The project includes provisions for low-, or moderate-income sales restrictions on the converted units beyond what is otherwise required in this Chapter that offset the project's failure to meet the standard; or
4. The project's proximity to public open space could partially offset the project's lack of on-site open space.

30.155.080 Conversions of Residential Units to Hotels or Similar Uses

Conversion of existing residential units to hotels or similar uses is allowed in any zone in which Hotels and Similar Uses are allowed by right or by use permit, subject to all applicable Sections of this Chapter and of Chapter 30.20, Residential Zones. In addition, the following standards shall apply:

A. **Lighting.** All outdoor lighting shall be hooded or shielded so that no direct beams fall on adjacent property. When outdoor lighting is provided, indirect soft lighting and low garden lighting shall be used whenever possible, and shall be required as necessary to assure compatibility with adjacent and surrounding properties.

B. **Parking.** Off-street parking shall be provided as required in Chapter 30.175, Parking Regulations, or Subsection 30.155.080.C.5, below, if applicable, subject to the findings for approval of conversions to hotels or similar uses in Subsection 30.155.170.I.4.

C. **Time-Share Projects.** If a proposed time-share project retains kitchens in the individual units, they shall be subject to all physical standards under Section 30.155.070, Physical Standards for Condominium Conversions. The conversion of a residential

unit to a time-share project, wherein the converted unit consists of a suite of no more than two rooms and provides no individual kitchens or cooking facilities is exempt from the following Subsections of Section 30.155.070, Physical Standards for Condominium Conversions:

1. 30.155.070.A Unit Size;
2. 30.155.070.D.1 Utility Metering, if a water shut-off valve is provided for each unit or for each plumbing fixture in that unit;
3. 30.155.070.E Private Storage Space;
4. 30.155.070.F Laundry Facilities; and
5. 30.155.070.J Parking Standards, provided that parking for Hotels and Similar Uses pursuant to Table 30.175.040, Required Off-Street Parking Spaces, is provided. This requirement may be modified if the applicant can demonstrate that additional parking is not needed, pursuant to Chapter 30.250, Modifications

D. **Use of Amenities – Time-Share Projects.** A provision shall be included in the "Declaration of Time-Share Plan" or similar instrument restricting the use of the project or its amenities by individual owners/users of a unit to the period of the time-share interval(s) or right-to-use.

30.155.090 Application Requirements for Condominium and Time Share Conversions

In addition to such other application requirements as the Staff Hearing Officer or Planning Commission may deem necessary and those requirements as set forth in Section 30.155.060, Requirements and Procedures, no application for a conversion to condominiums or time share projects shall be accepted for any purpose unless the application includes the following:

A. A conversion plan of the project including:

1. The location, height, floor area, and proposed uses for each existing structure to remain and for each proposed new structure;
2. The location, use, and type of surfacing for all open storage areas;
3. The location and type of surfacing for all driveways, pedestrian ways, vehicle parking areas, and curb cuts;
4. The location, height, and type of materials for walls or fences;
5. The location of all landscaped areas, the type of landscaping, and a statement specifying the method by which the landscaped areas shall be maintained;
6. The location and description of all recreational facilities and a statement specifying the method of the maintenance thereof;
7. The location and size of the parking facilities to be used in conjunction with each unit;

8. The location, type and size of all drainage pipes and structures depicted or described to the nearest public drain or watercourse;

9. The location and type of the nearest fire hydrants;

10. The location, type and size of all on-site and adjacent street overhead utility lines;

11. A lighting plan of the project;

12. Existing and proposed exterior elevations;

13. The location of any provisions for any unique natural or vegetative features.

B. A physical elements report which shall include but not be limited to:

1. A report detailing the condition and estimating the remaining useful life of each element of the project proposed for conversion: roofs, foundations, exterior paint, paved surfaces, mechanical systems, electrical systems, plumbing systems, including sewage systems, swimming pools, sprinkler systems for landscaping, utility delivery systems, central or community heating and air-conditioning systems, fire protection systems including automatic sprinkler systems, alarm systems, or standpipe systems, and structural elements. Such report shall be prepared by an appropriately licensed contractor or architect or by a registered civil or structural engineer other than the owner. For any element whose useful life is less than five years, a replacement cost estimate shall be provided.

2. A structural pest control report. Such report shall be prepared by a licensed structural pest control operator pursuant to Section 8516 of the Business and Professions Code.

3. A building history report including the following:

a. The date of construction of all elements of the project;

b. A statement of the major uses of said project since construction;

c. The date and description of each major repair or renovation of any structure or structural element since the date of construction. For the purposes of this subsection a "major repair" shall mean any repair for which an expenditure of more than $1,000 was made;

d. Statement regarding current ownership of all improvements and underlying land; and

e. Failure to provide information required by subsections a. through d., inclusive, shall be accompanied by an affidavit, given under penalty of perjury, setting forth reasonable efforts undertaken to discover such information and reasons why such information cannot be obtained.

30.155.100 Application Requirements for Conversions to Hotels or Similar Uses

In addition to such other application requirements as the Planning Commission may deem necessary and those requirements as set forth in Section 30.155.060, Requirements and Procedures, no application for conversion of a building containing a residential unit to a hotel or similar use shall be accepted for any purpose unless the application includes a conversion plan of the project containing:

A. The location, height, floor area, and proposed uses for each existing structure to remain and for each proposed new structure;

B. The location and type of surfacing for all driveways, pedestrian ways, vehicle parking areas, and curb cuts;

C. The location, use, and type of surfacing for all open storage areas;

D. The location, height, and type of materials for walls or fences;

E. The location of all landscaped areas, the type of landscaping, and any proposed changes thereto;

F. The location and description of all recreational and other hotel-related facilities, and any proposed changes thereto;

G. The location and size of the parking facilities to be used in conjunction with each guestroom and other related uses on-site;

H. A drainage plan for the site;

I. A lighting plan of the project;

J. Existing and proposed exterior elevations; and

K. The location of and provisions for any unique natural or vegetative site features.

30.155.110 Additional Submittals for Conversions to Condominiums or Hotel Units

A. A statement of any unique provisions of the proposed Covenants, Conditions and Restrictions which would be applied on behalf of any and all owners of condominium units within the project. With regard to stock cooperatives, this submission shall consist of a summary of proposed management, occupancy and maintenance policies on forms approved by the City Attorney.

B. Specific information concerning the characteristics of any conversion project, including but not limited to the following:

   1. Square footage and number of rooms in each existing and proposed unit or guestroom;

   2. Rental rate history for each type of unit for previous five years;

   3. Monthly vacancy rate for each month during preceding two years;

4. Makeup of existing tenant households, including family size, length of residence, age of tenants, and whether receiving federal or state rent subsidies;
5. Names and addresses of all tenants; and
6. Applications for conversion to time-share projects shall include the length of every time-share interval and maintenance period.

When the developer can demonstrate that such information is not available, this requirement may be modified by the Community Development Director.

C. The developer shall submit evidence that notification of intent to convert was sent to each tenant in accordance with Section 30.155.150, Tenant Protection Provisions.

D. Any other information which, in the opinion of the Community Development Director, will assist in determining whether the proposed project will be consistent with the purposes of this Chapter.

30.155.120 Acceptance of Reports

The final form of the Physical Elements Report and other documents shall be as approved by the Chief Building Official. The reports in their acceptable form shall remain on file with the Community Development Director for review by any interested persons. The report shall be referenced in the subdivision report to the Staff Hearing Officer or Planning Commission.

30.155.130 Copy to Buyers

The seller shall provide each purchaser of a condominium or time-share unit with a copy of all reports (in their final, acceptable form), along with the Department of Real Estate Final Subdivision Public Report, when required, except the information required by Subsections B. and C. of Section 30.155.110, Additional Submittals for Conversions to Condominiums or Hotel Units, prior to the purchaser completing an escrow agreement or other contract to purchase a unit in the project, and the developer shall give the purchaser sufficient time to review the reports. Copies of the reports shall be made available at all times at the sales office and shall be posted at various locations, as approved by the City, at the project site.

30.155.140 Hearing

A. **Tenant Notice.** Prior to action on the application, the Staff Hearing Officer or Planning Commission shall hold a hearing. Notice of the hearing shall be mailed at least ten days prior to the hearing date to tenants of the proposed conversion and posted on the property. The public hearing notice shall include, in addition to the notice of the time and place of the public hearing, notification of the tenant's rights to appear and be heard.

B. **Staff Report.** Any report or recommendation from the staff on a proposed tentative map for a residential condominium conversion submitted to the Staff Hearing Officer or Planning Commission or City Council on appeal shall be in writing and a copy shall be sent to the subdivider at least six calendar days prior to any hearing or action on the map by the Staff Hearing Officer or Planning Commission and City Council. The

subdivider shall be responsible for providing a copy of any such report to each tenant of the subject property at least three days prior to any hearing or action on such map by the Staff Hearing Officer, Planning Commission or City Council.

30.155.150 Tenant Protection Provisions

A. **Notice of Intent.** A notice of intent to convert shall be provided to each tenant a minimum of 60 days prior to the filing of the application for Tentative Map approval.

1. ***Method.*** Notice shall be provided either by

   a. Personal delivery, or

   b. Mailing the notice, postage prepaid, by certified letter with return receipt requested.

2. ***Content.*** The form of the notice shall be as approved by the Community Development Director and shall contain at a minimum the following:

   a. Name and address of current owner;

   b. Name and address of the proposed subdivider;

   c. Approximate date on which the tentative map/conversion permit application is proposed to be filed;

   d. Tenant's right to purchase condominium, if applicable;

   e. Tenant's right of notification to vacate;

   f. Tenant's right of termination of lease;

   g. Statement of limitations on rent increase;

   h. An explanation of all provisions made by the subdivider for special cases;

   i. An explanation of all provisions made by the subdivider for moving expenses of displaced tenants;

   j. Tenant's right to receipt of notice for each hearing and right to appear and be heard at any such hearing; and

   k. Other information as may be deemed necessary by the Community Development Director.

3. ***Evidence of Compliance.*** Evidence of compliance with this Section shall be submitted with the application for conversion.

B. **Tenant's Right to Purchase.**

1. As provided in Government Code Section 66427.1(d) any present tenant or tenants of any unit shall be given an exclusive right to contract for the purchase of the unit occupied or equivalent unit at a price no greater than the price offered to the general public or terms more favorable to the tenant, whichever

is less. The exclusive right to contract shall extend for at least 90 days from the date of issuance of the Subdivision Public Report or commencement of sales, whichever date is later, unless the tenant gives prior written notice of their intention not to exercise the right.

2. In addition, the present tenant or tenants shall have the right of first refusal to purchase the unit occupied or equivalent unit at the same price as that offered by a buyer and accepted by the applicant, whenever such accepted price is lower than the price required to be offered to the tenant under Paragraph 1, above. The tenant must exercise the tenant's right of first refusal within 45 days of receipt of notice from the applicant.

3. If the tenant exercises their right to purchase under this Subsection, then the applicant is not required to provide moving expenses as outlined in Subsection G, below, except to the extent required by State law.

4. The manner in which any exclusive right to contract or right of first refusal shall be exercised shall be in accordance with regulations established by resolution of the City Council. This Subsection does not apply to conversions to hotels or similar uses.

C. **Vacation of Units.** Each non-purchasing tenant, not in default under the obligations of the rental agreement or lease under which the unit is occupied, shall have not less than 180 days from the date of approval of the conversion by the Staff Hearing Officer or Planning Commission or, if an appeal is filed, by the City Council, to find substitute housing and to relocate. Applicant shall give written notice of the approval containing an explanation of any and all conditions of approval which affect the tenants to each tenant within 15 days of the approval. Such notice shall be prepared in accordance with procedures established by resolution of the City Council setting forth the manner and contents of such notice.

D. **Tenant's Right of Termination of Lease.** Any present tenant or tenants of any unit shall be given the right to terminate their lease or rental agreement without penalty, following the receipt of the notification from the owner of the intent to convert.

E. **Special Cases.** For purposes of this Section, a "special case" tenant is one who is over age 62, qualifies as a disabled person pursuant to section 295.5 of the Vehicle Code, low income pursuant to the City's Affordable Housing Policies and Procedures, a single parent with custody of minor children, or otherwise likely to experience difficulty finding suitable replacement housing. The subdivider shall afford special consideration to each "special case" tenant which special consideration, at a minimum, shall include the following:

1. Each "special case" tenant shall be allowed an additional period of time, not exceeding six months beyond the period specified in Subsection C, above, in which to relocate.

2. A tenant with school age children shall not be required to vacate the unit prior to the end of the school year in which the 180-day period specified in Subsection C, above, begins to run.

F. **Increase in Rents.** From the date of approval of the application to convert until the date of conversion, no tenant's rent shall be increased more frequently than once annually nor at a rate greater than the rate of increase in the Consumer Price Index (all items, Los Angeles – Long Beach), on an annualized basis, for the same period. This limitation shall not apply if rent increases are provided for in leases or contracts in existence prior to the filing date of the application to convert.

G. **Moving Expenses.** The subdivider shall provide moving expenses of four times the median advertised rental rent or $5,000, whichever is greater, to any tenant who relocates from the building to be converted after approval of the condominium conversion by the City, except when the tenant has given notice of intent to move prior to receipt of notification from the subdivider of the intent to convert.

H. **Notice to New Tenants.** After the issuance of the Notification of Intent to Convert, any prospective tenants shall be notified in writing of the intent to convert prior to leasing or renting any unit and shall not be subject to the provisions of subsections B.2, F and G. The form of the notice shall be as approved by the Community Development Director, subject to Government Code Section 66452.8(b) and 66452.8(c). Failure by a subdivider to give such notice shall not be grounds to deny the proposed conversion. Further, the subdivider shall pay to each prospective tenant who becomes a tenant and who was entitled to such notice, and who did not receive such notice, an amount equal to the sum of:

1. Actual moving expenses incurred when moving from the subject property, but not to exceed $2,000, and

2. The first month's rent on the tenant's new rental unit, if any, immediately after moving from the subject property, but not to exceed $2,000.

I. **Notice of Final Map.** Each of the tenants of the proposed condominium conversion shall be given written notification within ten days of approval of a final map for the proposed conversion and proof of such notification shall be submitted to the Public Works Director.

J. **Notice of Department of Real Estate Report.** Each of the tenants of the proposed condominium conversion shall be given written notification that an application for a public report will be, or has been submitted to the Department of Real Estate, and that such report will be available upon request.

30.155.160 Effect of Proposed Conversion on the City's Low- and Moderate-Income Housing Supply

A. If any of the units in the project have been "affordable rental units" for at least 24 of the previous 48 months preceding the conversion application, the application for condominium conversion may be approved only if a condition is imposed requiring that

the same number and type of units in the project after conversion will be subject to a recorded affordability covenant placing maximum sales price limits on each such unit in accordance with the City's affordability criteria. For purposes of this Chapter, "affordable rental unit" shall be defined by resolution of the City Council. All units subject to this affordability restriction shall be owner-occupied, except as otherwise set forth by Council resolution. Any such units that are retained by the original owner and not sold shall be subject to affordable rental restrictions as defined by resolution of the City Council.

B. If the Staff Hearing Officer or Planning Commission determines that vacancies in the project have been increased for the purpose of preparing the project for conversion, the conversion shall be disapproved. In evaluation of the current vacancy level under this subsection, the increase in rental rates for each unit over the preceding five years and the average monthly vacancy rate for the project over the preceding two years shall be considered.

30.155.170 Required Findings

The Staff Hearing Officer or Planning Commission shall not approve an application for condominium conversion unless the Staff Hearing Officer or Planning Commission finds that:

A. All provisions of this Chapter are met and the project will not be detrimental to the health, safety, and general welfare of the community.

B. The proposed conversion is consistent with the General Plan of the City of Santa Barbara or legally nonconforming with the density requirement of its Land Use Element.

C. The proposed conversion will conform to the Santa Barbara Municipal Code in effect at the time the application was deemed to be complete, except as otherwise provided in this Chapter.

D. The overall design (including project amenities) and physical condition of the conversion will result in a project which is aesthetically attractive, safe and of quality construction.

E. If required by Subsection 30.155.160.A, above, the proposed conversion has mitigated impacts to the City's low and moderate income housing supply through an agreement to record affordability control covenants on the specified number of units.

F. The applicant has not engaged in coercive retaliatory action regarding the tenants after the submittal of the first application for City review through the date of approval. In making this finding, consideration shall be given to:

1. Rent increases at a rate greater than the rate of increase in the Consumer Price Index (all items, Los Angeles – Long Beach) unless provided for in leases or contracts in existence prior to the submittal of the first application for City review, or

2. Any other action by applicant which is taken against tenants to coerce them to refrain from opposing the project. An agreement with tenants which provides for benefits to the tenants after the approval shall not be considered a coercive or retaliatory action.

G. The owner has made a reasonable effort to assist those tenants wishing to purchase their units for purposes of minimizing the direct effect on the rental housing market created by relocating such tenants.

H. The requirements of Section 30.155.180, Maximum Number of Conversions, have been met.

I. The following additional findings shall be made by the Staff Hearing Officer or Planning Commission in order to approve conversions to hotels or similar uses:

1. The use will not be materially detrimental to the public peace, health, safety, comfort and general welfare and will not materially decrease property values in the neighborhood involved;

2. The total area of the site and the setbacks and location of all facilities in relation to property and street lines are adequate in view of the characteristics of the site.

3. The conversion will not have a significant adverse impact on the surrounding properties.

4. Adequate access and off-street parking, including parking for guests and employees, are provided so that there is no adverse impact on the character of the public streets in the neighborhood.

30.155.180 Maximum Number of Conversions

A. **Maximum Number of Conversions.**

1. ***Annual Quota.*** The maximum number of conversions to condominiums to be approved during any calendar year shall not exceed the greater of:

a. Fifty units; or

b. The number of market-rate new residential units in two-unit and multi-unit rental projects issued certificates of occupancy during the previous calendar year minus the number of residential units in two-unit and multi-unit rental units to be demolished pursuant to permits issued in that same year.

2. In the event that the annual conversion quota determined pursuant to paragraph 1, above, exceeds the aggregate number of units approved for conversion to condominiums during any year any excess shall be available in the following 12-month period for conversions to hotels or similar uses only, after which time any remaining excess shall not be included in the annual conversion quota permitted for any following year.

3. A condominium project consisting of more residential units than the maximum number which can be approved in the applicable calendar year, may be approved for a phased conversion. The approval of a phased conversion shall specify the number of units which may be converted in each year (which number may not exceed the annual conversion quota for that year), and shall specify that the units approved for conversion in a given year shall have priority for conversion over units in other projects approved for conversion in that year.

B. **Processing of Applications.** Applications shall be processed in accordance with procedures established by resolution of the City Council setting forth the manner and method of prioritizing applications for conversions.

C. **Exceptions.**

1. This section shall not be applicable to:

   a. A project consisting of four or less units.

   b. A project as to which the tenants of more than 50 percent of the rental units have made a commitment to purchase their units.

   c. A project involving conversions for a non or limited equity cooperative or condominium for low-to-moderate income residents.

   d. A project involving the conversion of legally rented hotel guestrooms at the time the application for condominium conversion was filed.

   e. A project involving conversions in which not less than 75 percent of the residential units are subject to the City's standard affordability controls.

Chapter 30.160 Inclusionary Housing

Sections:

30.160.010 Purpose
30.160.020 Definitions
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30.160.060 Affordable Housing Standards
30.160.070 In-Lieu Fees
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30.160.100 Eligibility for Inclusionary Units
30.160.110 Owner-Occupied Units; Sales Price; Long-Term Restriction
30.160.120 Adjustments and Waivers
30.160.130 Affordable Housing Inclusionary Fund

30.160.010 Purpose

The purposes of this Chapter, which shall be known as the "Inclusionary Housing Ordinance," are the following:

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

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

C. 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

D. 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.

30.160.020 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 30.160.130, Affordable Housing Inclusionary Fund.

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

E. **Inclusionary Housing Plan.** A plan for a residential development submitted by an Applicant as provided by Subsection 30.160.090.B, Inclusionary Housing Plan.

F. **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.

G. **Market-Rate Unit.** An Ownership Unit in a Residential Development that is not an Inclusionary Unit.

H. **Middle Income Household.** A Household whose income is between 120 percent and 160 percent of the Area Median Income, adjusted for household size.

I. **Off-Site Inclusionary Unit.** An Inclusionary Unit that will be built separately or at a different location than the main development.

J. **On-Site Inclusionary Unit.** An Inclusionary Unit that will be built as part of the main development.

K. **Ownership Unit.** A residential unit that may be sold separately under the requirements of the State Subdivision Map Act. For purposes of this Chapter, a residential 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 residential unit together with an Accessory Dwelling Unit approved under Section 30.185.040, Accessory Dwelling Unit, or

   2. A residential unit together with an additional residential unit on the same lot approved under Section 30.185.050, Additional Residential Unit.

L. **Residential Development.** Proposed residential development 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 30.155, Conversion of Residential Units to Condominiums, Hotels, or Similar Uses.

M. **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 units or homes to be constructed upon on such lots.

N. **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.

O. **Unit Size.** All of the livable floor area within the perimeter walls of a residential unit.

P. **Upper-Middle Income Household.** A Household whose income is between 160 percent and 200 percent of the Area Median Income, adjusted for household size.

30.160.030 Inclusionary Requirements

A. **General Requirements.**

1. ***Developments of Ten or More Units.*** For all Residential Developments of ten or more residential units, at least 15 percent 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 unit homes, by Upper-Middle Income Households as specified herein.

2. ***Developments of Less Than Ten 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 of the in-lieu fee specified by Subsection 30.160.070.B, Calculation of In-Lieu Fee, multiplied by the total number of residential units of the Residential Development; provided, however, that for those Residential Developments which are not a condominium conversion project (as defined by Chapter 30.155, Conversion of Residential Units to Condominiums, Hotels, or Similar Uses) and which propose to construct two to four residential units, the required in-lieu fee shall equal five percent of the in-lieu fee specified by Subsection 30.160.070.B, Calculation of In-Lieu Fee, multiplied by the number of units in the Residential Development which exceed one residential 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 or more Residential Units, the Applicant shall pay an in-lieu fee corresponding to 15 percent of the number of Residential 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 30.160.080, Alternative Methods of Compliance.

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 Residential Units but more than one Residential Unit, the Applicant shall, at the Applicant's election, either provide that one Residential Unit will be constructed as an owner-occupied Middle Income Household restricted Unit, or pay an in-lieu fee corresponding to five percent of the in-lieu fee specified by Subsection 30.160.070.B, Calculation of In-Lieu Fee, multiplied by the number of Residential 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 30.160.080, Alternative Methods of Compliance.

C. **Existing Residential 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 State Density Bonus law or the City's Affordable Housing Policies and Procedures will not be counted in determining the required number of Inclusionary Units.

E. **Rounding.** See Section 30.15.050, Fractions.

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 120 percent of the then current Area Median Income.

2. The Community Development Director may approve a Target Income of 130 percent 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 unit 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 160 percent 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 60 percent 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 60 percent of more of the voting stock or shares of each corporation.

30.160.040 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 Residential 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 Subsection 30.165.080.C, Repair and Replacement of Damaged or Destroyed Nonconforming Buildings.

3. ***Voluntarily Affordable Projects.*** Residential Developments which propose that not less than 30 percent 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.

4. ***Employer-Sponsored Housing Projects.*** Employer-Sponsored Housing Projects developed in accordance with the Average Unit-Size Density Incentive Program of Chapter 30.150, Average Unit-Size Density Incentive Program.

30.160.050 Incentives for On-Site Housing

A. **Providing Units On-Site.** An Applicant for a Residential Development of ten or more residential 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 Modifications.** Applicants may request Modifications to zoning requirements that will facilitate increased density for the purpose of accomplishing the goals of this Chapter, including, but not limited to, Modifications to parking, setbacks, open yard, and solar access requirements as specified in Chapter 30.250, Modifications.

30.160.060 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. ***Bedrooms and Bathrooms.*** 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.

30.160.070 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 30.160.130, Affordable Housing Inclusionary Fund.

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 residential 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.

a. *Target Income.* The target income for this calculation shall be 70 percent of Area Median Income, and the housing-cost-to-income ratio for this calculation shall be 30 percent.

b. *Estimated Production Cost.* The Estimated Production Cost shall be deemed to be the median sale price of two-bedroom condominium units in the City less a 15 percent adjustment to reflect an Applicant/Developer's anticipated profit.

c. *Median Sale Price.* 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.

d. *Annual Review.* 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 30.160.030, Inclusionary Requirements, 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 1,700 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 15 percent.

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 20 percent.

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 25 percent.

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

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 residential 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 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.

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.

30.160.080 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 30.160.070, In-Lieu Fees, 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.

30.160.090 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 30.160.070, In-Lieu Fees.

B. **Inclusionary Housing Plan.** Every Residential Development to which this Chapter applies shall include an Inclusionary Housing Plan as part of the application submittal. 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 Paragraph 30.160.060.A.3, Timing of Construction;
6. A description of any Modifications as listed in Chapter 30.250, Modifications, that are requested of the City;
7. Any alternative means designated in Section 30.160.080.A, Alternative Methods of Compliance-Applicant Proposals, proposed for the Development along with information necessary to support the findings required by Section 30.160.080.B, Discretion of Planning Commission or City Council, 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 for such units.

30.160.100 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 30.160.090, Inclusionary Housing Plan Processing, 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.

30.160.110 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.

30.160.120 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 30.160.080, Alternative Methods of Compliance, 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.

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:

1. That the Applicant is subject to the inclusionary housing requirement or in-lieu fee;

2. The extent to which the Applicant will benefit from inclusionary incentives under Section 30.160.050, Incentives for On-Site Housing; and

3. 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 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, any action taken by the Commission made pursuant to a request for an adjustment for an alternative method of compliance under Section 30.160.080, Alternative Methods of Compliance, or for a waiver pursuant to this Section, may be appealed to the City Council in accordance with the appeal procedures of Section 30.205.150, Appeals, and Santa Barbara Municipal Code Section 1.30.050.

30.160.130 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 30.160.070, In-Lieu Fees, and 30.160.080, Alternative Methods of Compliance, 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.

Chapter 30.165 Nonconforming Structures, Site Development, and Uses

Sections:

30.165.010 Purpose
30.165.020 Applicability
30.165.030 Right to Continue, Repair and Maintain
30.165.040 Alterations to Nonconforming Development
30.165.050 Additions to Nonconforming Development
30.165.060 Nonconforming Garages and Carports
30.165.070 Nonconforming Uses
30.165.080 Demolition and Replacement of Nonconforming Structures
30.165.090 Nonconforming Fences and Hedges
30.165.100 Nonconforming Open Yard

30.165.010 Purpose

The purpose of this Chapter is to provide for the regulation of nonconforming structures, site development, and uses, and to specify those circumstances under which they shall be permitted to continue and be improved. The provisions of this Chapter are intended to encourage the preservation and reuse of existing development, allow flexibility for improvements in form and design, control such uses and structures so as to reduce adverse effects on adjoining properties, and to preserve the integrity of the area in which it is located.

30.165.020 Applicability

The provisions of this Chapter apply to structures, site development, and uses that have become nonconforming by adoption of this Title, or become nonconforming due to subsequent amendments to its text or to the Zoning Map, except as follows:

A. Nothing in this Chapter shall be construed to prohibit any additions or alterations to a nonconforming structure as may be reasonably necessary to comply with any lawful order of any public authority, such as seismic safety requirements, the Americans with Disabilities Act, or a Notice and Order of the Building Official, made in the interest of the public health, welfare, or safety, provided that approvals pursuant to Chapter 30.250, Modifications, may be required for such additions or alterations.

B. Nothing in this Chapter shall be construed or applied to prevent additions, alterations, or replacement of Public Works and Utilities buildings, structures, equipment or facilities where there is no change in use or increase in the project site area.

C. Regulation of sites that are nonconforming to parking regulations are contained in Chapter 30.175, Parking Regulations.

D. The provisions in this Chapter do not apply to any feature of a structure or site development granted a Modification pursuant to Chapter 30.250, Modifications.

30.165.030 Right to Continue, Repair and Maintain

A. Nonconforming structures, site development, or uses may be continued, repaired and maintained. The right to continue a nonconforming use or structure shall attach to the land and shall not be affected by a change in ownership, tenancy, or management. The right to continue a nonconformity shall terminate once it has been abandoned.

1. ***Abandonment.*** A nonconformity is considered to be abandoned after any of the following have occurred:

a. *Change to a Conforming Use or Configuration.* The nonconformity has been changed to a conforming use or configuration.

b. *Discontinuance of Use.* The use has been discontinued pursuant to Section 30.140.090, Discontinuance of Use.

c. *Substantial Redevelopment~~Demolition~~.* The structure containing the nonconformity is demolished or substantially redeveloped and not reconstructed pursuant to Section 30.165.080, Substantial Redevelopment~~Demolition~~ and Replacement of Nonconforming Structures.

B. The right to continue does not apply to nonconforming structures, site development, or uses deemed to be a public nuisance because of health or safety conditions, as determined by the Chief Building Official.

30.165.040 Alterations to Nonconforming Development

Alterations to existing nonconforming structures, site development, or structures containing a nonconforming use or nonconforming residential density, are allowed provided that the alteration does not increase the floor area, except as allowed pursuant to Section 30.165.050, Additions to Nonconforming Development, or Section 30.165.060, Nonconforming Garages and Carports, and meets all of the following standards:

A. **Nonconforming Height.** The alteration shall not increase or relocate the height or volume of the portion of the structure that exceeds the maximum height in the zone.

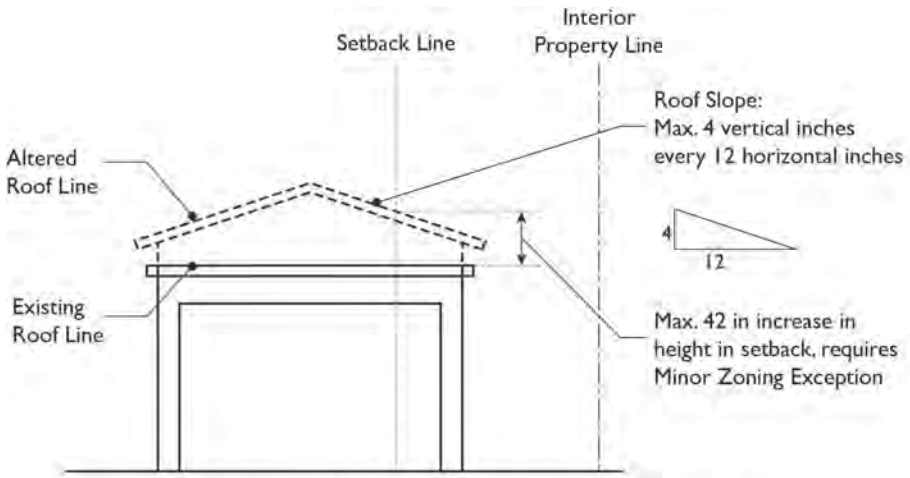
B. **Nonconforming Setbacks.**

1. ***Height and Volume in Setbacks.*** Alterations that increase or relocate the height or volume of the portion of the structure within the front or interior setbacks, may be approved by the appropriate Design Review body, subject to Chapter 30.245, Minor Zoning Exceptions, and as follows:

a. The portion of the structure ~~roof~~ located in the setback does not increase height by more than 42 inches; and

b. Alterations ~~The portion of the roof located in the setback~~ do~~es~~ not result in an overall roof pitch greater than a four-inch rise over 12-inch run.

FIGURE 30.165.040.~~(~~B~~)~~: HEIGHT LIMITATIONS ON ALTERATIONS IN SETBACKS



2. ***Openings in Setbacks – First Floor.*** Alterations to create new, relocate, or enlarge windows, doors or other openings on that portion of the first floor of a structure that is located within a setback are allowed if located not closer than five feet to an interior lot line when adjacent to a residential use or zone.

   a. *Exceptions.* If closer than five feet to an interior lot line adjacent to a residential use or zone, alterations may be approved by the appropriate Design Review body, pursuant to Chapter 30.245, Minor Zoning Exceptions.

3. ***Openings in Setbacks – Upper Floors.*** Alterations to create new, relocate, or enlarge windows, doors or other openings on that portion of the upper floor of a structure that is located within a setback are allowed when not within an interior setback adjacent to a residential use or zone.

   a. *Exceptions.* If within an interior setback and adjacent to a residential use or zone, alterations may be approved by the appropriate Design Review body, pursuant to Chapter 30.245, Minor Zoning Exceptions.

4. ***Change of Use in Setbacks.*** Alterations that change the land use of a development ~~structure~~ are allowed provided that the alteration does not change the land~~a~~ use of any structure located in the setback from residential to nonresidential, or from nonresidential to residential within the portion of the structure that is located closer than five feet to an interior lot line when adjacent to a residential use or zone.

   a. *Exceptions.* If closer than five feet to an interior lot line and adjacent to a residential use or zone, a change of use to or from a residential use and the following uses is allowed:

i. Community Garden

ii. Live-Work Unit

iii. Market Garden

iv. Neighborhood Market

5. ***Residential Units in Setbacks.*** Alterations that result in an increase in the number of residential units are allowed provided that the alteration does not result in an increase in the number of residential units within the portion of the structure that is located closer than five feet to an interior lot line when adjacent to a residential use or zone

a. *Exception.* A conversion to or from a residential unit to an Accessory Dwelling Unit is allowed.

C. **Nonconforming Open Yard.** See Section 30.165.100, Nonconforming Open Yard.

D. **Nonconforming Floor Area.** If the development is nonconforming to any floor area limitations, alterations are allowed that do not decrease the floor area of a structure or use below the minimum area required; or increase the floor area of a structure or use above the maximum area allowed.

E. **Nonconforming Residential Unit Standards.** If the development is nonconforming to any residential unit standards, alterations are allowed that do not increase the number or types of residential building ele-ments; or enlarge or relocate nonconforming residential building elements, except as allowed pursuant to Section 30.140.160, Residential Unit.

F. **Nonconforming Density.** Alterations are allowed that do not increase the unit size, the residential floor area, or the number of bedrooms, such that it would cause the residential density for the development to exceed the approved residential density.

G. **Nonconforming Use.** See Section 30.165.070, Nonconforming Uses.

H. **Other Development Standards.** For all other elements or uses of a structure or property, alterations are allowed that do not increase or expand the nonconformity.

30.165.050 Additions to Nonconforming Development

Additions to existing nonconforming structures, site development, or structures containing a nonconforming use or nonconforming residential density, are only allowed as follows:

A. **Substantial Redevelopment ~~Demolition~~ Combined with Additions Prohibited.** Additions allowed by this Chapter shall not be permitted concurrently with a substantial redevelopment ~~demolition~~ pursuant to Subsection 30.165.080.B, Replacement of Demolished Nonconforming Structures, Paragraph 9, Additions Prohibited.

B. **Conforming Additions.** Additions to nonconforming structures are allowed if the addition conforms with all development standards of this Title, the existing use and

residential density of the property are conforming, and no addition is made that increases the nonconformity of the structure or site development.

C. **Nonconforming Additions in Setbacks.**

1. ***New Floor Area within Existing Structure.*** Additions of floor area, such as the creation of a mezzanine, or the conversion of attic or understory area to new floor area may be made to any portion of an existing structure that is located within setbacks, provided that the addition is constructed within the existing, fully-enclosed exterior walls and roof of a structure.

2. ***First Floor Addition in Interior Setback.*** A first-floor addition that is located within an interior setback may be made to an existing residential main building that is located within the interior setback, provided that the addition meets the following standards (see also Figure 30.165.050.C.2, First Floor Addition in Interior Setback):

   a. The cumulative total of new floor area located within an interior setback is equal to or less than the first-floor area of the existing, nonconforming portion of the structure located within the same interior setback as of the effective date of this Title;

   b. All new construction shall continue the plane of the existing exterior building wall that is located in the setback, and maintain a minimum setback of five feet or the same distance from the closest point of the existing building to the interior lot line, whichever is greater;

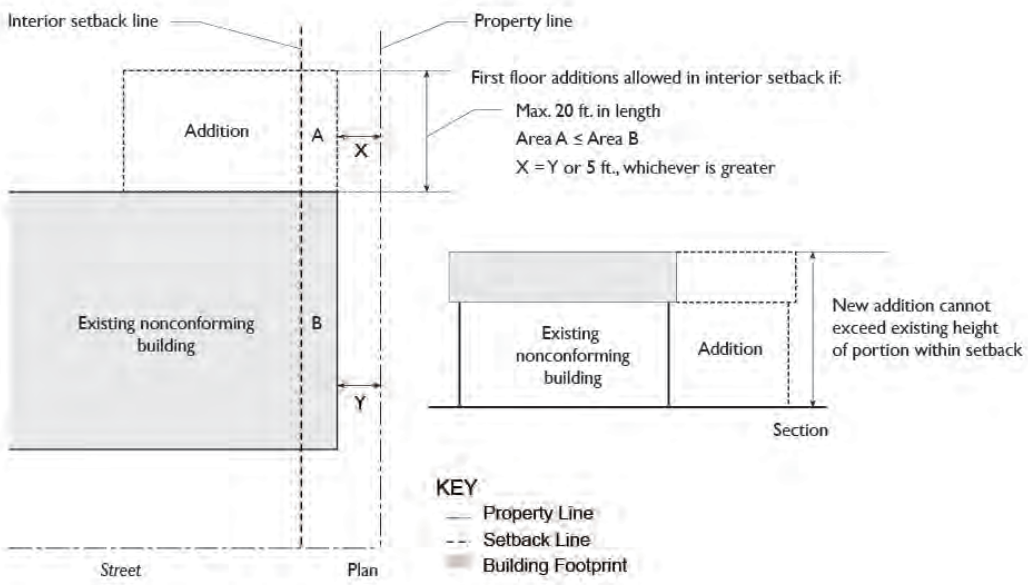
   c. The maximum cumulative length of the addition located within the interior setback shall not exceed 20 linear feet;

   d. The height of the addition within the interior setback complies with the Height and Volume in Setbacks provisions of Section 30.165.040, Alterations to Nonconforming Development.

   e. The existing use and residential density of the property is conforming; and

   f. All other development standards are met.

FIGURE 30.165.050.~~(~~C~~)(~~.2~~)~~: FIRST FLOOR ADDITION IN INTERIOR SETBACK



D. **Nonconforming Additions that Exceed the Maximum Floor Area (Floor to Lot Area Ratio).** An addition of new floor area on a lot that is nonconforming as to the maximum floor area or where the proposed expansion would otherwise be deemed precluded development as specified in Subsection 30.20.030.A, Maximum Floor Area (Floor to Lot Area Ratio), is allowed as follows:

1. The addition is allowed pursuant to Section 30.165.060, Nonconforming Garages and Carports; or
2. The addition shall not exceed 100 square feet of floor area, excluding covered parking, over the floor area legally existing on the lot as of June 7, 2007; and
3. Only one addition, excluding covered parking, is allowed; and
4. All other development standards are met.

E. **Nonconforming Additions on Lots with Nonconforming Residential Density.** An addition of new floor area on a lot containing nonconforming residential density may be allowed, as follows:

1. The residential floor area, excluding covered parking, on a lot existing as of the effective date of this Title, may be increased by a maximum of 250 square feet through one or multiple additions to the existing residential main or accessory buildings. The addition may be provided as:
   a. One common room or rooms that serve all units on-site (such as a laundry room, storage room, or recreation room); or

b. Multiple rooms assigned to individual units, with a maximum of 50 square feet per unit, provided the total does not exceed 250 square feet; and

2. All other development standards are met.

30.165.060 Nonconforming Garages and Carports

A. **Existing Garages and Carports.** In any zone, garages and carports that are nonconforming to setbacks, or on lots with nonconforming open yard, or on a lot that is nonconforming to the Maximum Floor Area (Floor to Lot Area Ratio), use or residential density may be altered, increased in size, demolished and reconstructed, substantially redeveloped, or any combination of the above, in order to provide covered parking that conforms to City Standards for Parking Design, subject to the following provisions:

1. The number of parking spaces shall not be increased within any nonconforming setback or nonconforming open yard.

2. The new nonconforming setback of the resulting garage or carport shall be no less than the existing nonconforming setback.

3. The interior dimensions of the resulting garage or carport shall be equal to or greater than those described in the City Standards for Parking Design, and the floor area shall be no larger than 250 square feet per covered parking space.

4. Garages may be converted to carports, carports may be converted to garages, and garage doors may be altered or relocated.

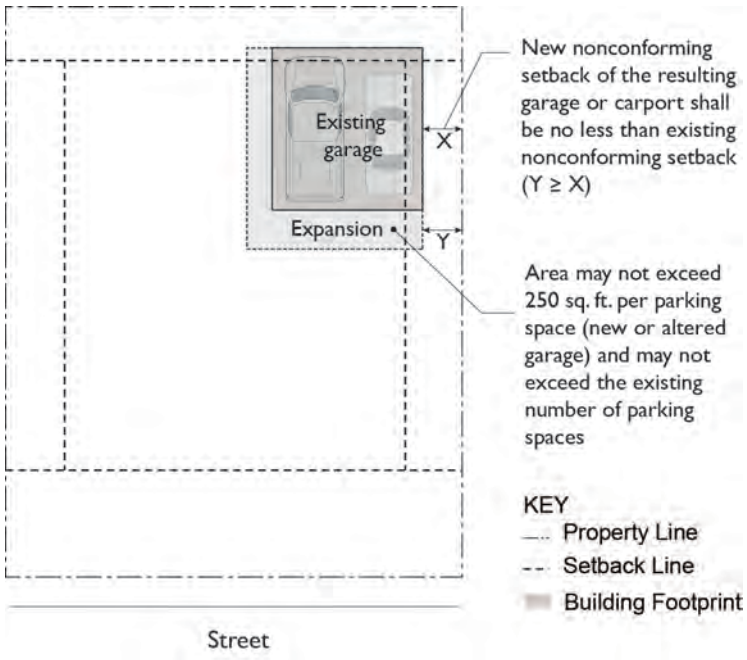
5. There shall be no increase in the height of a structure or relocation of windows and doors within any setback, except as otherwise allowed under Section 30.165.040, Alterations to Nonconforming Development.

6. The resulting garage or carport shall not exceed the maximum height in the zone.

7. The portion of nonconforming garages or carports within an interior setback and located closer than five feet to an interior property line, and adjacent to a residential zone or use, shall not be converted from covered parking to another use, such as storage, workshops, livable space, other than the conversion to an Accessory Dwelling Unit, pursuant to Section 30.185.040; and

8. All other development standards are met.

FIGURE 30.165.060(.A): EXPANSION OF NONCONFORMING GARAGES



B. **New Garages and Carports.** New covered parking spaces, up to the minimum number required by this Title, may be constructed on lots containing nonconforming residential density, or on a lot that is nonconforming to the Maximum Floor Area (Floor to Lot Area Ratio), provided:

1. The interior dimensions of the resulting garage or carport shall be no larger than those described in the City Standards for Parking Design, and the floor area shall be no larger than 250 square feet per covered parking space;

2. The new garage or carport is not on a lot developed with nonconforming uses; and

3. All other development standards are met.

30.165.070 Nonconforming Uses

A. **Change of Use.** Nonconforming uses may be changed subject to the following:

1. ***Permitted Uses.*** Any nonconforming use may be changed to a use that is allowed in the zone in which it is located.

2. ***Compatible Nonconforming Uses.*** Nonconforming uses may be changed to a compatible nonconforming use.

3. ***Incompatible Nonconforming Uses.*** Nonconforming uses shall not be changed to an incompatible nonconforming use.

B. **Alterations to Structures Containing Nonconforming Uses.** Alterations to structures containing nonconforming uses that do not enlarge or relocate the area devoted to the nonconforming use are allowed. Structural alterations are limited as follows:

1. ***Compatible Nonconforming Uses.*** Structures containing compatible nonconforming uses may be structurally altered, provided that the alterations do not result in a substantial redevelopment~~demolition~~ and replacement pursuant to Section 30.165.080, Substantial Redevelopment~~Demolition~~ and Replacement of Nonconforming Structures.

2. ***Incompatible Nonconforming Uses.*** Structures containing incompatible nonconforming uses may not be structurally altered.

C. **Determination of Compatible or Incompatible Use.** The Community Development Director shall determine whether an existing or proposed replacement nonconforming use is compatible or incompatible with the purpose of the zone and surrounding uses. Elements to be considered when making these determinations include, but are not limited to, the following:

1. Building Code occupancy classification;
2. Land Use Classification;
3. Noise;
4. Odors;
5. Vibration;
6. Air pollution including dust and other particulate matter;
7. Light or glare;
8. Visual or aesthetic impacts;
9. Hazardous materials; or
10. Other detrimental effects.

30.165.080 Substantial Redevelopment~~Demolition~~ and Replacement of Nonconforming Structures

A. **Verification of Substantial Redevelopment~~Demolition~~.** When, in the determination of the Community Development Director, there exists the potential for a project to result in a ~~demolition~~substantial redevelopment, the applicant shall submit written verification from a registered structural engineer certifying that the roof, exterior walls and foundation shown to remain are structurally sound and will not be required to be removed or replaced for the project. Prior to issuance of a building permit, the property owner and contractor shall sign an affidavit to the City that they are aware of the City's definition of a ~~demolition~~substantial redevelopment and the penalties associated with an unlawful ~~demolition~~substantial redevelopment.

B. **Replacement of Demolished Nonconforming Structures.** A nonconforming structure may be demolished or substantially redeveloped and replaced, provided that all of the following conditions are met:

1. ***Use.*** The Use Classification remains the same and demolition or substantial redevelopment and replacement of the nonconforming structure does not continue or perpetuate a nonconforming use.

2. ***Height.*** The new structure shall not exceed the height of the existing structure, and the new structure shall comply with all current applicable height limitations.

3. ***Footprint.*** The replacement structure shall be located within the same footprint and in the same location on the lot as the existing structure. Exceptions to this limitation may be approved by the appropriate Design Review body pursuant to Chapter 30.245, Minor Zoning Exceptions, upon finding the proposed location of the structure is safer or more appropriate that the previous existing location, in addition to the findings required pursuant to Chapter 30.245, Minor Zoning Exceptions.

4. ***Floor Area.*** The square footage of the replacement structure shall not exceed the square footage of the existing structure, unless otherwise allowed pursuant to Section 30.165.060, Nonconforming Garages and Carports.

5. ***Residential Units.*** The number of residential units in the resulting structure shall not be greater than the existing number of residential units.

6. ***Density.*** The new structure does not increase the unit size, the residential floor area, or the number of bedrooms, such that it would cause the residential density for the development to exceed the approved residential density.

7. ***Open Yard.*** The open yard shall not be less than existing.

8. ***Parking Spaces.*** The number of parking spaces shall be no less than the number of existing parking spaces.

9. ***Additions Prohibited.*** Except for conforming first floor additions not exceeding a cumulative total of 100 square feet per lot, additions allowed by this Chapter shall not be permitted concurrently with a demolition or substantial redevelopment, or within five years following the completion of the demolition or substantial redevelopment of a structure, pursuant to Section 30.140.040, Substantial Redevelopment~~Demolition~~; unless otherwise allowed pursuant to Section 30.165.060, Garages and Carports. The addition shall not be considered completed until it passes a final inspection or a Certificate of Occupancy has been issued.

10. ***Alterations Allowed.*** Any alterations and remodels shall comply with Section 30.165.040, Alterations to Nonconforming Development.

11. ***Encroachments Allowed.*** Encroachments into setbacks and open yards are allowed pursuant to Section 30.140.100, Encroachments into Setbacks and Open Yards.

12. ***Design Review Required.*** The structure, site and landscaping plans shall be subject to the review and approval of the appropriate Design Review body.

13. ***Building Permit Required.*** The demolition or substantial redevelopment occurred pursuant to a valid building permit. All permits for new construction that are required under the Building Code shall be obtained either concurrently with the permit for the demolition or substantial redevelopment or while any discretionary approval is still valid.

C. **Repair and Replacement of Damaged or Destroyed Nonconforming Structures.** A nonconforming structure that is damaged, destroyed, or partially destroyed due to damage caused by fire, explosion, earthquake, or natural disaster which is not caused by an act or deliberate omission of the property owner, their agent, or person acting on their behalf or in concert with, may be restored or rebuilt and the occupancy and use may be continued or resumed subject to the restrictions in Section 30.165.080, Substantial Redevelopment~~Demolition~~ and Replacement of Nonconforming Structures, with the following allowances:

1. ***Use.*** The demolition or substantial redevelopment and replacement of the nonconforming structure may continue or perpetuate a nonconforming use.

2. ***Height.*** The new structure shall not exceed the height of the existing structure, but is not required to comply with all current applicable height limitations.

3. ***Building Permit Required.*** The building permit for the reconstruction, restoration or rebuilding of the structure must be issued within three years of the occurrence of the damage or destruction. Any such reconstruction, restoration or rebuilding shall conform to all applicable adopted Building Codes in effect at the time of reconstruction.

4. ***Archive Plans.*** Plans existing in the City's archives and other available information shall be used to determine the size, location, use, and configuration of nonconforming structures. No additional discretionary review is required to rebuild the structure in accordance with the most current approved archive plans.

5. ***Unavailable Records.*** If the City is not able to verify the size, location, use and configuration of the nonconforming structures with the available information, the City shall send a notice to all owners of property within 100 feet of the subject property, advising them of the details of the applicant's request to rebuild, and requesting confirmation of the size, location, use, and configuration of the nonconforming structure that is proposed to be rebuilt. The public comment period shall be not less than 10 calendar days as calculated from the date that the notice was mailed.

30.165.090 Nonconforming Fences and Hedges

A. **Determination of Nonconformity.** A fence or hedge shall be determined to be nonconforming by the Community Development Director upon receipt of sufficient evidence indicating that the fence or hedge existed in its present location on January 10, 1957 (the effective date of the first ordinance adopting the provisions of this Section).

B. **Continuation, Repair and Maintenance.** Any nonconforming fence or hedge may be continued, repaired and maintained, provided there is no physical change other than necessary maintenance and repair in such fence or hedge. A maximum of 25 percent of the length of a nonconforming fence or hedge may be replaced within any 12-month period except as provided in Substantial Redevelopment~~Demolition~~ and Replacement, below.

C. **Substantial Redevelopment~~Demolition~~ and Replacement.** A fence or hedge may not be removed, ~~or~~ demolished, or substantially redeveloped and replaced if it exceeds the height limitations allowed by this Title, except for fences as provided below.

1. The fence is a significant structure or feature associated with a designated City Landmark or Structure of Merit and the extent of repair, maintenance, or replacement occurs pursuant to Santa Barbara Municipal Code Section 22.22.070; or

2. The retaining wall is necessary to retain or support soil in a vertical or near vertical slope of earth.

30.165.100 Nonconforming Open Yard

A. **Designated Nonconforming Open Yard**. On all lots with nonconforming open yard, the Community Development Director shall designate the Nonconforming Open Yard on an approved plan, using the following procedure:

1. The largest, most usable area, or areas, that most closely meet the minimum dimensions, location, and standards pursuant to Section 30.140.150, Open Yards shall be used until the minimum area has been reached, if possible. If there are multiple areas that meet these requirements, the Director shall determine which areas shall be included, based on the purpose of the Open Yard, as described in Section 30.140.150, Open Yards.

2. The Nonconforming Open Yard shall not include the following:

   a. The front setback in the primary front yard;

   b. The first 10 feet of the secondary front setback measured from the front lot line; or

   c. On lots developed with Single-Unit or Two-Unit Residential, areas less than 10 feet long by 10 feet wide. On lots developed with Multi-Unit Residential or Mixed-Use, areas less than 6 feet long by 6 feet wide.

B. **Alterations to Nonconforming Open Yard.** On a site that is nonconforming to any required open yard area pursuant to Section 30.140.150, Open Yards, new or reconstructed structures, or any additions and alterations to existing structures, are allowed subject to the following:

1. The Designated Nonconforming Open Yard provides at least 50 percent of the minimum area required pursuant to Section 30.140.150, Open Yards;
2. There is no increase in the number of residential units on the lot, except for an Accessory Dwelling Unit located entirely within the existing primary residence or an existing accessory structure (excluding covered parking);
3. There is no increase in the number of bedrooms for any residential unit, if the additional bedrooms will result in an increase to the open yard required on-site, unless the additional area is provided;
4. There is no reduction of required private open yards or the Designated Nonconforming Open Yard; and
5. All other development standards are met.

Chapter 30.170 Nonresidential Growth Management Program

Sections:

30.170.010 Nonresidential Development Limitation
30.170.020 Definitions
30.170.030 Traffic Management Strategy
30.170.040 Unused Floor Area
30.170.050 Review Procedures

30.170.010 Nonresidential Development Limitation

An application for a permit for a Nonresidential Construction Project, as defined in Section 30.170.020, Definitions, will not be accepted or approved on or after December 6, 1989, unless all of the new nonresidential floor area within the project is allocated from one or more of the categories specified in this Section and the project is consistent with the City's Traffic Management Strategy (as approved by City Resolution No. 13-010 dated as of March 12, 2013, and as filed with the City Clerk) as implemented in Section 30.170.030, Traffic Management Strategy.

A. **Development Limit.** From March 5, 2013 until December 31, 2033, the amount of new nonresidential floor area available for nonresidential construction projects shall be restricted to no more than 1,350,000 square feet. This allowable floor area shall be allocated from the following categories, as defined in Section 30.170.020, Definitions:

TABLE 30.170.010.A: FLOOR AREA ALLOWANCES BY CATEGORY

Category	*Square Footage*
Community Benefit	600,000 s.f.
Small Addition Floor Area	400,000 s.f.
Vacant Property	350,000 s.f.

Except as otherwise provided in this Section and as allocated on an annual basis by a resolution of the Planning Commission, Small Additions shall be limited to no more than 20,000 square feet of nonresidential floor area during each calendar year from March 5, 2013 through December 31, 2033. Any unused, expired, or withdrawn development square footage remaining from each annual allotment from the Small Additions category may be rolled over to the following year's Small Additions allotment or allocated to another category by a resolution of the Planning Commission. Procedures for allocating square footage under these categories shall be established by resolution of City Council.

B. **Nonresidential Floor Area Excluded from the Development Limit.** Nonresidential floor area may be constructed, or converted from residential floor area, without requiring an allocation from the allowable square footage specified in Subsection A, Development Limit, above, so long as the nonresidential floor area falls within the following categories, as defined in Section 30.170.020, Definitions:

1. City Government Buildings.
2. Government Displacement Floor Area.
3. Hotel Room for Room Replacement.
4. Minor Addition Floor Area.
5. Prior-Pending Projects.
6. Prior-Approved Projects.
7. Prior-Approved Specific Plan Project.
8. Transfers of Existing Development Rights, as defined in Chapter 30.195, Transfer of Existing Development Rights.

30.170.020 Definitions

The following words and phrases shall have the meaning indicated, unless the context or usage clearly requires a different meaning:

A. **Community Benefit Project.** A project which has been designated by the City Council as satisfying one or more of the following categories is a Community Benefit Project:

1. ***Community Priority Project.*** A Community Priority Project is a project that has a broad public benefit, is not principally operated for private profit, and is necessary to meet a present or projected need directly related to public health, safety or general welfare (e.g., museums, childcare facilities, health clinics).

2. ***Economic Development Project.*** An Economic Development Project is a project that is consistent with the City Charter, General Plan and this Title, will enhance the standard of living for City and South Coast residents, and will strengthen the local or regional economy by either creating new permanent employment opportunities or enhancing the City's revenue base. An Economic Development Project should also accomplish one or more of the following:

   a. Support diversity and balance in the local or regional economy by establishing or expanding businesses or industries in sectors which currently do not exist on the South Coast or are present only in a limited manner; or

   b. Provide new recreational, educational, or cultural opportunities for City residents and visitors; or

   c. Provide products or services which are currently not available or are in limited supply either locally or regionally; or

   d. Support a small and local business in the Santa Barbara community which is being started, maintained, relocated, redeveloped or expanded.

For purposes of this Section, "standard of living" is defined as wages, employment, environment, resources, public safety, housing, schools, parks and recreation, social and human services, and cultural arts.

3. ***New Vehicle Sales Project.*** A New Vehicle Sales Project is a project within the Auto Commercial and Services (ACS) Overlay Zone that proposes a project involving new vehicle sales, rental and leasing as allowed in Chapter 30.45, Auto Commercial and Services (ACS) Overlay Zone.

B. **Development Area.** A Development Area is a portion of the City that the City of Santa Barbara Traffic Model (as approved by the City Council by Resolution No. 13-010 dated as of March 12, 2013, and as filed with the City Clerk) has shown to have distinct traffic generation patterns, as identified on the Development Area Map. The City of Santa Barbara Development Areas are shown on the map labeled "Growth Management Program Development Areas" (as approved by City Resolution No. 13-010 dated as of March 12, 2013). All notations, references and other information shown on said map are incorporated by reference herein and made a part hereof.

C. **Existing Nonresidential Floor Area.** Existing Nonresidential Floor Area is nonresidential floor area that existed on a lot as of October 1, 1988, or nonresidential floor area that was approved and constructed or converted from residential floor area after October 1, 1988, in compliance with, or exempt from, a City development plan or nonresidential growth management program ordinance.

D. **Floor Area.** For the purpose of the Nonresidential Growth Management Program, floor area includes that described in Section 30.150.070, Measuring Floor Area, and as follows:

1. Any structure used exclusively for occupant or patron parking is not included, but structures or portions of structures used for vehicle storage, sales, car washing, repair or servicing are included.

2. A Caretaker Unit without a private kitchen in a Hotel or Extended Stay Hotel is included.

3. Any structure in a mixed-use development utilized by both residential and nonresidential users, except live-work units, approved under Section 30.185.240, Live-Work Units, where the residential and nonresidential areas of the live-work unit have an open interior connection, with no demising walls that separate the uses, and are located on the same floor of the building.

~~3.~~4. Any recreational vehicle, mobilehome, or modular unit used for a permanent permitted nonresidential use pursuant to Section 30.185.270, Mobilehomes, Recreational Vehicles, and Modular Units, Individual Use, is included.

~~4.~~5. A structure, or a portion thereof, occupied exclusively by public utility equipment constitutes floor area for purposes of D~~d~~evelopment P~~p~~lan review, but shall not count toward the calculation of floor area for purposes of the development limit specified in Subsection 30.170.010.A, Development Limit.

~~5.~~6. Any floor area which was constructed, approved, demolished or converted in violation of any provision of this Municipal Code shall not give rise to any right to rebuild or transfer said floor area.

E. **Government Building.** A Government Building is a building owned or leased by the City of Santa Barbara, excluding buildings or portions of buildings that are leased to private entities conducting non-governmental activities (e.g., the private leaseholds at the Harbor or Airport).

F. **Government Displacement Floor Area.** Government Displacement Floor Area is nonresidential floor area that is constructed or converted from residential floor area to replace nonresidential floor area that was acquired, removed or damaged by direct condemnation or negotiated acquisition by a governmental entity (federal, state or local), provided the nonresidential floor area of the project constructed to replace a building acquired or removed by the government does not exceed the nonresidential floor area of the building so acquired or removed, unless the additional nonresidential floor area is allocated from another available category.

G. **Hotel Room for Room Replacement.** A Hotel Room for Room Replacement is a project which consists of the replacement of existing hotel rooms at the same location, or transferred from another location as part of an approved Transfer of Existing Development Rights pursuant to Chapter 30.195, Transfer of Existing Development Rights, on a room for room basis. A Hotel Room for Room Replacement does not include nonresidential floor area outside the hotel rooms.

H. **Minor Addition Floor Area.** Minor Addition Floor Area is the first 1,000 square feet of new nonresidential floor area, over the amount of nonresidential floor area that existed on the lot as of December 6, 1989. Procedures for allocating and accounting for Minor Addition Floor Area shall be established by resolution of the City Council.

I. **Nonresidential Construction Project.** A Nonresidential Construction Project is a project, or portion thereof, which consists of the construction of new nonresidential floor area or the conversion of existing residential floor area to nonresidential use. The repair, replacement, or reconstruction of Existing Nonresidential Floor Area (including existing development rights that are transferred from another site) is not considered new nonresidential floor area for the purpose of the nonresidential development limitation specified in Subsection 30.170.010.A, Development Limit. A nonresidential construction project may occur in the following forms:

1. The addition of new nonresidential floor area to an existing structure; or
2. The construction of new nonresidential floor area in a free standing structure on real property containing another structure; or
3. The construction of new nonresidential floor area as a portion of a mixed-use development; or
4. The conversion of residential floor area to nonresidential floor area; or
5. A new structure on vacant real property that contains nonresidential floor area.

J. **Nonresidential Floor Area Ratio.** The Nonresidential Floor Area Ratio of a lot is a ratio of the nonresidential floor area on the lot to the net lot area of the lot.

K. **Prior-Approved Projects.** A Prior-Approved Project is a project for which a permit (other than an application for Specific Plan approval) was approved on or before April 11, 2013, and where the approval remains valid.

L. **Prior-Approved Specific Plan Project.** A Prior-Approved Specific Plan Project is a project that implements a specific plan that was approved prior to April 16, 1986, the specific plan required the construction of substantial circulation system improvements, and the required circulation system improvements were either:

1. Installed prior to April 11, 2013; or
2. Constructed after April 11, 2013, pursuant to an Owner Participation Agreement and installed prior to the approval of any D~~d~~evelopment P~~p~~lan(s) related to the approved specific plan.

M. **Prior-Pending Project.** A Prior-Pending Project is a nonresidential construction project for which an application for a permit was deemed complete by the City before April 11, 2013, and the application:

1. Has not been denied by the City;
2. Has not been withdrawn by the applicant; and
3. Has not yet received City approval.

N. **Small Addition Floor Area.** Small Addition Floor Area is the 2,000 square feet of new nonresidential floor area over the amount of nonresidential floor area that existed on the lot on December 6, 1989, and any floor area that has been constructed or approved as Minor Addition Floor Area pursuant to this Chapter or any preceding D~~d~~evelopment P~~p~~lan ordinance since December 6, 1989. Procedures for allocating Small Addition Floor Area shall be established by resolution of the City Council.

O. **Vacant Property.** A Vacant Property is a lot of land that was not developed with a permanent structure containing floor area as of October 1, 1988, and has not since been developed with any permanent structure containing floor area. A vacant property may be allocated new nonresidential floor area from the Vacant Property category up to a maximum nonresidential floor area ratio of .25. Any nonresidential development proposed for the lot over the .25 floor area ratio must be allocated from another development category available for allocation on the lot.

30.170.030 Traffic Management Strategy

In order to utilize the City's existing transportation capacity efficiently and to prioritize constrained transportation capacity for high priority land uses, the City has established a Traffic Management Strategy (as approved by City Resolution No. 13-010 dated as of March 12, 2013). In furtherance of the Traffic Management Strategy and recognizing the differential rates of traffic generation observed in the City of Santa Barbara Traffic Model methodology (as used in connection with the preparation of the General Plan FEIR) between the different

Development Areas, only certain categories of nonresidential development are available for allocation within the Development Areas identified in this Section.

A. **Downtown Development Area.** If all of the floor area for a project is proposed from a category or categories of development that are available for allocation within the development area in which the proposed project is located, the project's contribution to a potentially significant adverse cumulative traffic impact may be overridden by the Planning Commission. Within the Downtown Development Area, unless specifically authorized below, a project-specific potentially significant adverse traffic impact cannot be overridden by the Planning Commission. The following categories of nonresidential development are available for allocation to lots within the Downtown Development Area:

1. ***Prior-Approved Projects.*** Prior-Approved Projects do not require further environmental review.

2. ***Prior-Pending Projects.***

3. ***Prior-Approved Specific Plan Projects.*** A Prior-Approved Specific Plan Project that presents a project-specific potentially significant adverse traffic impact may be approved by the Planning Commission following the adoption of a Statement of Overriding Considerations in the manner authorized by the California Environmental Quality Act (CEQA).

4. ***Minor Addition Floor Area.*** A project constructing, adding, or converting Minor Addition Floor Area that presents a project-specific potentially significant adverse traffic impact may be approved by the Planning Commission following the adoption of a Statement of Overriding Considerations in the manner authorized by the CEQA.

5. ***Small Addition Floor Area.***

6. ***Vacant Property.*** A Vacant Property Project that presents a project-specific potentially significant adverse traffic impact may be approved by the Planning Commission following the adoption of a Statement of Overriding Considerations in the manner authorized by CEQA.

7. ***Community Priority Projects.*** A Community Priority Project that presents a project-specific potentially significant adverse traffic impact may be approved by the Planning Commission following the adoption of a Statement of Overriding Considerations in the manner authorized by CEQA.

8. ***Economic Development Projects.***

9. ***Transfers of Existing Development Rights (TEDR).*** Transfers of Existing Development Rights (TEDR), as defined in Subsection 30.195.020.G, Transfer of Existing Development Rights, from any Development Area.

    a. A Transfer of Existing Development Rights between lots within the same Development Area that will result in the construction, addition, or conversion of not more than 1,000 square feet of nonresidential

floor area over the amount of nonresidential floor area that existed on the receiving lot as of the effective date of this ordinance and that presents a project-specific potentially significant adverse traffic impact may be approved by the Planning Commission following the adoption of a Statement of Overriding Considerations in the manner authorized by CEQA.

b. All other Transfers of Existing Development Rights (including Hotel Room for Room Replacements) that result in a project-specific potentially significant adverse traffic impact cannot be overridden.

10. ***Hotel Room for Room Replacement.*** An on-site Hotel Room for Room Replacement that presents a project-specific potentially significant adverse traffic impact may be approved by the Planning Commission following the adoption of a Statement of Overriding Considerations in the manner authorized by CEQA.

11. ***Demolition and Reconstruction of Existing Nonresidential Floor Area on the Same Lot.*** The Substantial Redevelopment ~~Demolition~~ and Reconstruction of Existing Nonresidential Floor Area on the same lot that presents a project-specific potentially significant adverse traffic impact may be approved by the Planning Commission following the adoption of a Statement of Overriding Considerations in the manner authorized by CEQA.

12. ***City Government Buildings.*** A government building project that presents a project-specific potentially significant adverse traffic impact may be approved by the Planning Commission following the adoption of a Statement of Overriding Considerations in the manner authorized by CEQA.

13. ***Government Displacement Floor Area.*** A Government Displacement Floor Area Project that presents a project-specific potentially significant adverse traffic impact may be approved by the Planning Commission following the adoption of a Statement of Overriding Considerations in the manner authorized by CEQA.

14. ***Public Utility Facilities.*** A Public Utility Facility that presents a project-specific potentially significant adverse traffic impact may be approved by the Planning Commission following the adoption of a Statement of Overriding Considerations in the manner authorized by CEQA.

B. **Upper State Street, Mesa, Coast Village Road, and Riviera Development Areas (Outlying Development Areas).** If all of the floor area for a project is proposed from a category or categories of development that are available for allocation within the development area in which the proposed project is located, the project's contribution to a significant cumulative traffic impact may be overridden. Within the Outlying Development Areas, unless specifically authorized below, a project-specific potentially significant adverse traffic impact cannot be overridden by the Planning Commission. The following categories of nonresidential development are available for allocation to lots within the Outlying Development Areas:

1. ***Prior-Approved Projects.*** Prior-Approved Projects do not generally require further environmental review.

2. ***Prior-Pending Projects.***

3. ***Prior-Approved Specific Plan Projects.*** A Prior-Approved Specific Plan Project that presents a project-specific potentially significant adverse traffic impact may be approved by the Planning Commission following the adoption of a Statement of Overriding Considerations in the manner authorized by CEQA.

4. ***Minor Addition Floor Area.*** A project constructing, adding, or converting Minor Addition Floor Area that presents a project-specific potentially significant adverse traffic impact may be approved by the Planning Commission following the adoption of a Statement of Overriding Considerations in the manner authorized by CEQA.

5. ***Vacant Property.*** A Vacant Property Project that presents a project-specific potentially significant adverse traffic impact may be approved by the Planning Commission following the adoption of a Statement of Overriding Considerations in the manner authorized by CEQA.

6. ***Community Priority Projects.*** A Community Priority Project that presents a project-specific potentially significant adverse traffic impact may be approved by the Planning Commission following the adoption of a Statement of Overriding Considerations in the manner authorized by CEQA.

7. ***Transfer of Existing Development Rights.*** Transfer of Existing Development Rights (including Hotel Room for Room Replacements), as defined in Subsection 30.195.020.G, Transfer of Existing Development Rights, from and to lots within the same Development Area. No receiving site located in an Outlying Development Area may receive a Transfer of Existing Development Rights from a sending site that is located in another Development Area.

    a. A Transfer of Existing Development Rights between real properties within the same Development Area that will result in the construction, addition, or conversion of not more than 1,000 square feet of nonresidential floor area over the amount of nonresidential floor area that existed on the receiving lot as of April 11, 2013, and that presents a project-specific potentially significant adverse traffic impact may be approved by the Planning Commission following the adoption of a Statement of Overriding Considerations in the manner authorized by CEQA.

    b. All other Transfers of Existing Development Rights (including Hotel Room for Room Replacements) that result in a project-specific potentially significant adverse traffic impact cannot be overridden by the Planning Commission.

8. ***Substantial Redevelopment~~Demolition~~ and Reconstruction of Existing Nonresidential Floor Area on the Same Parcel.*** The Substantial Redevelopment~~Demolition~~ and Reconstruction of Existing Nonresidential Floor Area on the same lot that presents a project-specific potentially significant adverse traffic impact may be approved by the Planning Commission following the adoption of a Statement of Overriding Considerations in the manner authorized by CEQA.

9. ***Government Buildings.*** A Government Building that presents a project-specific potentially significant adverse traffic impact may be approved by the Planning Commission following the adoption of a Statement of Overriding Considerations in the manner authorized by CEQA.

10. ***Government Displacement Project.*** A Government Displacement Floor Area Project that presents a project-specific potentially significant adverse traffic impact may be approved by the Planning Commission following the adoption of a Statement of Overriding Considerations in the manner authorized by CEQA.

11. ***Hotel Room for Room Replacement.*** An on-site Hotel Room for Room Replacement that presents a project-specific potentially significant adverse traffic impact may be approved by the Planning Commission following the adoption of a Statement of Overriding Considerations in the manner authorized by CEQA.

12. ***Public Utility Facilities.*** A Public Utility Facility that presents a project-specific potentially significant adverse traffic impact may be approved by the Planning Commission following the adoption of a Statement of Overriding Considerations in the manner authorized by CEQA.

13. ***New Vehicle Sales Project.*** A New Vehicle Sales Project that presents a project-specific potentially significant adverse traffic impact may be approved by the Planning Commission following the adoption of a Statement of Overriding Considerations in the manner authorized by CEQA.

C. **Airport Development Area.** If all of the floor area for a project is proposed from a category or categories of development that are available for allocation within the development area in which the proposed project is located, the project's contribution to a significant cumulative adverse traffic impact may be overridden by the Planning Commission. Within the Airport Development Area, unless specifically stated below, a project-specific potentially significant adverse traffic impact may be overridden by the Planning Commission with the adoption of a Statement of Overriding Considerations in the manner authorized by CEQA. The following categories of nonresidential development are available for allocation to real properties within the Airport Development Area:

1. Prior-Approved Projects.

2. Prior-Pending Projects.

3. Prior-Approved Specific Plan Projects.
4. Minor Addition Floor Area.
5. Small Addition Floor Area.
6. Vacant Property.
7. Community Priority Projects.
8. Economic Development Projects.
9. Transfers of Existing Development Rights (including Hotel Room for Room Replacements), as defined in Subsection 30.195.020.G, Transfer of Existing Development Rights, from and to lots within the Airport Development Area are available for allocation. No Receiving Site located in the Airport Development Area may receive a Transfer of Existing Development Rights (including Hotel Room for Room Replacements) from a Sending Site that is located in another Development Area.
10. Substantial Redevelopment~~Demolition~~ and Reconstruction of Existing Nonresidential Floor Area on the same lot.
11. Government Buildings.
12. Government Displacement Projects.
13. Public Utility Facilities.

30.170.040 Unused Floor Area

A. **Small Addition Category**. For projects with floor area allocated from the Small Addition category, the unused floor area shall be made available for allocation to Small Addition or Community Benefit Projects, as determined by Planning Commission Resolution, upon expiration or abandonment of the Development Plan.

B. **Community Benefit and Vacant Property Categories.** For projects with floor area allocated from the Community Benefit and Vacant Property categories, the unused floor area shall revert to the category from which the floor area was allocated upon expiration or abandonment of the Development Plan.

C. **Prior-Approved or Prior-Pending Categories.** Floor area that was excluded from the development limit specified in Section 30.170.010, Nonresidential Development Limitation, under the Prior-Approved or Prior-Pending categories shall expire upon expiration of the project's Development Plan and shall not be available for another allocation.

30.170.050 Review Procedures

A. **Pre-Application Review Required.** Pre-application Review pursuant to Section 30.205.030, Pre-Application Review, is required for all nonresidential construction projects that involve the construction, addition, or conversion of more than 3,000 square feet of new nonresidential development.

B. **Development Plan Required.** Approval of a Development Plan pursuant to Chapter 30.230, Development Plan, is required for all nonresidential construction projects, except for a nonresidential construction project that involves the construction, addition, or conversion of not more than 1,000 square feet of nonresidential floor area (as an aggregate total of all development categories) where an Environmental Impact Report in not required.

Chapter 30.175 Parking Regulations

Sections:

30.175.010 Purpose
30.175.020 Applicability
30.175.030 General Provisions
30.175.040 Required Automobile and Bicycle Parking Spaces
30.175.050 Parking Exceptions and Reductions
30.175.060 Location of Required Automobile and Bicycle Parking
30.175.070 Bicycle Parking
30.175.080 Parking Area Landscape and Fence Standards
30.175.090 Parking Area Design and Development Standards

30.175.010 Purpose

The purposes of these parking regulations are to:

A. Provide for parking facilities and site design that allow for choice in transportation modes;

B. Provide sufficient off-street automobile and bicycle parking spaces to accommodate the majority of users of a site over time;

C. Provide standards for safe and well-designed parking, loading and vehicle circulation areas, promote attractive pedestrian routes, and provide landscaping requirements to screen, shade, and beautify parking and circulation areas;

D. Promote community character, protect historic resources, and limit the environmental and urban design impacts that can result from off-street parking and circulation;

E. Create buffers between parking facilities and surrounding sensitive land uses;

F. Allow for reductions of the number of required spaces where warranted; and

G. Allow for flexibility in parking design where warranted.

30.175.020 Applicability

The requirements of this Chapter apply to the establishment, alteration, addition to, or change in any use of a building, structure, or site development, as provided in this Section.

A. **New Structures and Land Uses.** Automobile and bicycle parking in conformity with this Chapter shall be provided at the time any structure is erected, or any new land use or new residential unit is established.

B. **Existing Structures and Land Uses.**

1. ***Additions and Alterations.*** Existing structures and land uses that are conforming or nonconforming to the minimum number of automobile parking spaces may be altered or enlarged as follows:

   a. *Projects that Result in a Higher Parking Requirement.* Additional automobile and bicycle parking spaces shall be provided pursuant to this Chapter for any addition of new floor area or other alteration to an existing use that results in an increase to the minimum number of required parking spaces for any existing building, structure, or land use.

   b. *Projects that Result in the Same or Lower Parking Requirement.* If an alteration results in the same or fewer automobile and bicycle parking spaces required for any existing building, structure, or land use, no additional parking spaces shall be required.

2. ***Change of Use.***

   a. *Change to Use with Same or Lower Parking Requirement.* When an existing land use is changed to another land use that requires the same or fewer parking spaces under this Chapter than are required for the existing use, no additional automobile parking spaces shall be required.

   b. *Change to Use with Higher Parking Requirement.*

      i. Industrial Uses in the M-C, M-I, CO-MI, and CO-CAR Zones. In the M-C, M-I, CO-MI, and CO-CAR Zones, when an industrial land use is changed to another land use that requires more parking spaces under this Chapter than are required for the existing use, automobile parking in conformity with this Chapter shall be provided for all new and existing land uses on-site.

      ii. Non-Industrial Uses in the M-C, M-I, CO-MI, and CO-CAR Zones and All Uses in Other Zones. Except as provided for industrial uses in certain zones above, when an existing land use is changed to another land use that requires more parking spaces under this Chapter than are required for the existing use, additional automobile parking shall be provided. The number of additional automobile parking spaces shall be equal to the number of parking spaces required pursuant to this Chapter for the proposed development minus the number of parking spaces required pursuant to this Chapter for the existing development. The total number of required automobile parking spaces is the sum of the additional parking spaces calculated above, plus the existing parking spaces.

3. ***Nonconforming Parking.***

   a. *Right to Continue.* Existing structures and land uses on lots that are nonconforming to the minimum number of automobile parking spaces, may be continued, altered, or enlarged, subject to the requirements of

this Chapter. The right to continue shall attach to the land and shall not be affected by a change in ownership, tenancy, or management. The right to continue shall terminate once the nonconforming parking becomes conforming, is made more conforming, or if the existing structures are demolished or substantially redeveloped, but shall not terminate due to a discontinuation of use or if the demolished or substantially redeveloped structure is reconstructed, pursuant to subsection b, below. When nonconforming parking becomes more conforming, the right to continue shall only be applicable to the most conforming parking configuration.

b. *Substantial Redevelopment~~Demolition~~ and Replacement of Existing Structures.* Existing structures on lots that are nonconforming to the minimum number of automobile parking spaces may be demolished or substantially redeveloped and rebuilt without conforming to the minimum number of automobile parking spaces, provided that all of the following conditions are met:

   i. The use of the new or reconstructed structure is the same Use Classification as the existing structure.

   ii. All conditions specified in Subsection 30.165.080.~~(~~B~~)~~, Replacement of Demolished Nonconforming Structures, are met.

   iii. Any new, altered, or reconstructed parking area and landscape area conforms to all standards in Section 30.175.090, Parking Area Design and Development Standards, and Section 30.175.080, Parking Area Landscape and Fence Standards.

c. *Nonconforming Bicycle Parking.* Sites that are nonconforming to the minimum number of bicycle parking spaces required by this Chapter shall provide conforming long term and short term bicycle parking for all new structures constructed, reconstructed, or when any addition or alteration results in a requirement for additional automobile parking spaces. Bicycle parking shall also be required on any project that includes a change of use, substantial exterior remodel, or alteration to the existing parking areas, but may be provided in a short term configuration.

d. *Nonconforming Parking Lot Landscaping.* Sites that are nonconforming to the parking lot landscaping required by this Chapter shall provide conforming landscaping for any new, altered, or reconstructed parking areas for the area that is altered. If conforming landscaping would result in a reduction of automobile parking spaces, an alternative landscape design may be approved by the applicable Design Review body, pursuant to Subsection 30.175.080.~~(~~E~~)~~, Alternative Landscape Designs.

30.175.030 General Provisions

A. **Permit Required.** A permit is required to establish any new driveway, parking area, or vehicle maneuvering area or for any change to an existing driveway, parking area, or vehicle maneuvering area.

B. **Off-Street Parking Required.** Whenever automobile or bicycle parking spaces are required pursuant to this Chapter, they shall be located off-street.

C. **Conversion or Demolition of Parking**. Any permit to allow the conversion, ~~or~~ demolition, or substantial redevelopment of any required automobile or bicycle parking space shall not be approved unless replacement parking is included under the same permit.

D. **New and Existing Parking Areas.** All new, reconstructed or altered driveways, parking areas, or vehicle maneuvering areas shall be designed and developed consistent with the standards of this Chapter and the City Standards for Parking Design. All paved areas and structures accessible to vehicles shall be reviewed as potential parking areas. No vehicle shall be stored or parked on a lot in a manner inconsistent with the requirements of this Chapter.

E. **Minimum Size of Nonconforming Two Car Garage or Carport.** If an existing garage or carport legally constructed with a Building Permit has an exterior dimension less than 16 feet wide, it is considered physically unsuitable for two cars and shall be considered a single car garage or carport.

F. **Timing of Construction.** All parking facilities required by this Chapter shall be constructed or installed prior to passing final inspection or the issuance of a Certificate of Occupancy for the uses that they serve.

G. **Parking and Loading to be Maintained.** All required parking and loading spaces shall be maintained in amount, design, and location, unless equivalent substitute facilities are approved and provided.

H. **Availability.** All parking required by this Chapter must be available for its intended purpose during business hours for all nonresidential uses and at all times for residential uses, and shall remain accessible and available to all occupants and patrons of uses and structures. In no event shall parking facilities that are required for a structure or use be considered as providing any of the required parking spaces for any other structure or use.

I. **Accessible Parking.** Each lot where automobile parking is provided for the public as clients, guests, or employees shall include automobile parking accessible to disabled persons, in compliance with the Building Code.

1. ***New Residential Units.*** If one or fewer automobile parking spaces are required per residential unit for any new development and if signed, accessible automobile parking spaces are required by the Building Code, then the signed, accessible automobile parking spaces must be provided in addition to the minimum number of automobile parking spaces required per residential unit by this Chapter.

2. ***Existing Structures.*** The conversion of one or more existing automobile parking spaces to accessible uncovered automobile parking spaces, associated access aisles, and components of an accessible route (sloped walk ways and ramps/landings/guard rails), is allowed, even if the conversion results in fewer automobile parking spaces on the lot than required, pursuant to the following:

   a. *Configuration.* The accessibility improvement is designed and provided for persons with disabilities as required by the Building Code, on existing multi-unit residential, mixed-use, or nonresidential development.

   b. *Existing Development.* This allowance is applicable to existing automobile parking spaces on existing development only, and shall not be used to provide fewer automobile parking spaces than are required for a project consisting of new or reconstructed structures, additions, or a change of use.

   c. *Minimum Size.* The accessibility improvement is the minimum size required by the Building Code.

   d. *Modifications.* If the accessibility improvement does not meet these criteria, a Modification for reasonable accommodations will be made, if found to be consistent with the Americans with Disabilities Act; see Chapter 30.250, Modifications.

J. **Assigned Parking.** Lots developed with multiple uses and a shared parking area shall not assign automobile and bicycle parking spaces to individual tenant spaces or uses, with the following exceptions: required residential automobile and bicycle parking spaces in any mixed-use development shall be assigned to residential occupants; and designated off-site automobile parking spaces, approved pursuant to Paragraph 30.175.060~~(~~.A~~)(~~.1~~)~~, Allowance for Off-Site Parking, shall be assigned.

K. **Recorded Agreement.** A Recorded Agreement, pursuant to Chapter 30.260, Recorded Agreements, shall be required by the Community Development Director whenever there is a special circumstance which requires a written agreement between one or more landowners and the City is required to guarantee permanent access to, or use of, any parking facility, loading area, driveway, or maneuvering area. Examples include, but are not limited to, offsite parking and maneuvering areas, or parking and maneuvering areas that overlap multiple property lines.

L. **Commercial Vehicles.** Parking of commercial vehicles on any lot developed with solely residential uses is limited to the time necessary to transact business or provide a service at a residence.

M. **Inoperable and Unregistered Vehicles.** All vehicles incapable of movement under their own power or vehicles not currently registered for use on the street shall be stored in an entirely enclosed space. This provision does not apply to Automobile and Vehicle Repair, Major, Salvage and Wrecking, and Towing and Impound establishments.

N. **Covered Parking.** Covered automobile parking shall be provided as follows. Covered automobile parking shall also comply with the limitations in Section 30.140.020, Accessory Buildings.

1. ***Single-Unit Residential.*** All required automobile parking spaces must be covered.

   a. *Exception.* On lots less than 15,000 square feet, uncovered automobile parking may be substituted for covered automobile parking as follows, provided that the uncovered automobile parking complies with Section 30.175.060, Location of Required Parking, and permeable pavers are used on any new paved areas, as feasible.

      i. <u>One Covered and One Uncovered Space.</u> Any lot developed with less than 85 percent of the maximum net floor area for the lot, pursuant to Section 30.20.030(.A), Maximum Floor Area (Floor to Lot Area Ratio), may provide one covered automobile parking space and one uncovered automobile parking space.

      ii. <u>Two Uncovered Spaces.</u> Any lot developed with less than 80 percent of the maximum net floor area for the lot, pursuant to Section 30.20.030(.A), Maximum Floor Area (Floor to Lot Area Ratio), may provide two uncovered automobile spaces, subject to approval by the appropriate Design Review Body, provided a minimum 200 cubic feet of enclosed exterior storage space is provided on-site.

2. ***Two-Unit Residential, Condominium, Community Apartment, or Stock Cooperative.*** minimum of one automobile parking space allocated to each unit shall be covered.

3. ***Designated Historic Resources.*** On any lot developed with a designated historic resource, uncovered automobile parking may be substituted for covered automobile parking, provided that the uncovered automobile parking complies with Section 30.175.060, Location of Required Parking and subject to approval by the appropriate Design Review body, and permeable pavers are used on any new paved areas, unless reduced or waived by the appropriate Design Review body.

4. ***All Other Uses.*** For all other uses, automobile parking spaces may be provided as either covered or uncovered. However, required automobile parking spaces for any nonresidential use shall not be allowed in individual garages or carports, unless the location and design are approved by the Public Works Director.

O. **Guest Parking.** Except for residential development located in the Central Business District, guest automobile parking is required for all multi-unit residential development and for residential units in a mixed-use development, as follows:

1. ***1-5 Units:*** None required.

2. ***6-7 Units:*** One parking space.

3. ***8 or More Units:*** One space per four units.

P. **Maintenance.** Parking lots, including all landscaped areas, parking spaces, driveways, and loading areas, shall be maintained free of refuse, debris, weeds, or other accumulated matter and shall be kept in good repair at all times.

30.175.040 Required Automobile and Bicycle Parking Spaces

A. **Required Off-Street Parking Spaces.** Each lot shall provide the minimum number of automobile and bicycle parking spaces stated in Table 30.175.040, Required Off-Street Parking Spaces, except as provided below.

1. ***Minimum Number of Spaces.*** Fractions shall be rounded pursuant to Section 30.15.050, Fractions.

   a. *Automobile Parking.* If the result of rounding is less than one automobile parking space, a minimum of one automobile parking space shall be required for every new use established and new main building constructed.

   b. *Bicycle Parking.* When bicycle parking is required pursuant to this Chapter, and the result of rounding is less than one space, a minimum of one bicycle parking space shall be provided. Rounding for bicycle parking shall take place prior to the determination of the numbers of short term and long term bicycle parking, as described below.

   c. *Short Term and Long Term Bicycle Parking.* When the numbers of short and long term bicycle parking spaces required per Table 30.175.040, Required Off-Street Parking Spaces, result in fractions of a space, the one remaining required bicycle parking space represented by the sum of the fractions may be provided as either short term or long term.

2. ***Central Business District.*** Lots within the Central Business District shown on Figure 30.175.050.~~(~~B~~)~~, Central Business District and Parking Zones of Benefit, are subject to the parking requirements of Subsection 30.175.050.~~(~~B~~)~~, Central Business District (CBD).

3. ***Exceptions and Reductions.*** The required number of automobile and bicycle parking spaces may be reduced if an exception applies or a reduction is approved pursuant to Section 30.175.050, Parking Exceptions and Reductions.

TABLE 30.175.040: REQUIRED OFF-STREET PARKING SPACES		
Use Classification or Development Type	*Required Automobile Parking Spaces*	*Required Bicycle Parking Spaces (long term/short term)*
Residential Uses		
Residential Housing Types		

TABLE 30.175.040: REQUIRED OFF-STREET PARKING SPACES		
Use Classification or Development Type	*Required Automobile Parking Spaces*	*Required Bicycle Parking Spaces (long term/short term)*
Single-Unit Residential	2 per unit; see §30.175.030.~~(~~M~~)~~, Covered Parking and §30.175.050, Parking Exceptions and Reductions	None
Two-Unit Residential	2 per unit; see §30.175.030.~~(~~M~~)~~, Covered Parking and §30.175.050, Parking Exceptions and Reductions	None
Multi-Unit Residential	Studio: 1.25 per unit One-bedroom: 1.5 per unit Two or more bedrooms: 2 per unit see §30.175.050, Parking Exceptions and Reductions and §30.175.030.~~(~~N~~)~~, Guest Parking and §30.175.030.~~(~~H~~)~~ Accessible Parking	1 space per unit (100%/0%)
Special Residential Unit Types		
Accessory Dwelling Unit	§30.185.040, Accessory Dwelling Unit	None
Additional Residential Unit	Consistent with Single-Unit Residential	None
Caretaker Unit	1 per unit; see §30.185.120, Caretakers Unit	None
Garden Apartment	Consistent with Multi-Unit Residential	1 per unit (100%/0%)
Affordable Housing	see §30.175.050.~~(~~A~~)~~, Affordable and Senior Housing	1 per unit (100%/0%)
Community Care Facilities, Residential Care Facilities for the Elderly, and Hospices		
Community Care Facility	1 per 2 bedrooms	1 per 15 bedrooms; minimum 2 spaces (50%/50%)
Hospice	1 per 2 bedrooms	1 per 15 bedrooms; minimum 2 spaces (50%/50%)
Residential Care Facility for the Elderly	1 per 2 bedrooms	1 per 15 bedrooms; minimum 2 spaces (50%/50%)
Family Day Care Home	None beyond what is required for the Residential Housing Type	Consistent with Residential Housing Type
Group Residential	See §30.175.040.~~(~~B~~)~~, Standards for Specific Uses and Activities	1 per bedroom (100%/0%)
Home Occupation	None beyond what is required for the Residential Units	None beyond what is required for the Residential Units

TABLE 30.175.040: REQUIRED OFF-STREET PARKING SPACES		
Use Classification or Development Type	*Required Automobile Parking Spaces*	*Required Bicycle Parking Spaces (long term/short term)*
Live-Work Unit	2 per unit	1 space per unit (0%/100%)
Mobilehome Park	Consistent with Multi-Unit Residential	1 space per unit (100%/0%)
Senior Housing – Non-restricted	See §30.175.050.~~(~~A~~)~~, Affordable and Senior Housing	None
Senior Housing – Low Income	See §30.175.050.~~(~~A~~)~~, Affordable and Senior Housing	None
Supportive Housing	None beyond what is required for the Residential Unit	None beyond what is required for the Residential Unit
Transitional Housing	None beyond what is required for the Residential Unit	None beyond what is required for the Residential Unit
Public and Semi-Public Uses		
Cemetery	None beyond what is required for any Community Assembly or Office, if applicable	1 per 1,750 square feet (0%/100%)
College and Trade School	1 per 250 square feet of net floor area	1 per 1,750 square feet (50%/50%)
Community Assembly	1 per 100 square feet of net floor area Outdoor areas: as determined by the Community Development Director in consultation with the Public Works Director	1 per 1,000 square feet (0%/100%)
Community Garden	None	None
Cultural Institution	1 per 250 square feet of net floor area	1 per 1,750 square feet (50%/50%)
Day Care Center	1 per 250 square feet of net floor area	1 per 1,750 square feet (50%/50%)
Emergency Shelter	1 per 8 beds, or as determined by the Community Development Director in consultation with the Public Works Director	1 per 4 beds (100%/0%)
Harbor, Port, and Marina Facilities	As determined by the Community Development Director in consultation with the Public Works Director	As determined by the Public Works Director
Hospitals and Clinics		
Hospital	1 per 250 square feet of net floor area	1 per 1,750 square feet (50%/50%)
Clinic	1 per 250 square feet of net floor area	1 per 1,750 square feet (50%/50%)

TABLE 30.175.040: REQUIRED OFF-STREET PARKING SPACES		
Use Classification or Development Type	*Required Automobile Parking Spaces*	*Required Bicycle Parking Spaces (long term/short term)*
Birth Center	1 per 250 square feet of net floor area	1 per 1,750 square feet (50%/50%)
Instructional Services	1 per 250 square feet of net floor area	1 per 1,750 square feet (50%/50%)
Park and Recreation Facility	As determined by the Community Development Director in consultation with the Public Works Director	As determined by the Public Works Director
Public Facility	As determined by the Community Development Director in consultation with the Public Works Director	As determined by the Public Works Director
Recreational Vehicle and Camping Parks, Overnight	Guest Parking only: 1 per 4 recreational vehicle spaces	None
Recreational Vehicle Parks, Permanent	Consistent with Multi-Unit Residential	None
Schools	High School: 5 per classroom Elementary and Junior High School: 2 per classroom	5 per classroom (50%/50%)
Skilled Nursing Facility	1 per 2 beds	1 per 15 beds (25%/75%)
Social Service Facilities	1 per 250 square feet of net floor area	1 per 1,750 square feet (25%/75%)
Commercial Uses		
Adult Entertainment Facilities	1 per 250 square feet of net floor area	1 per 1,750 square feet (25%/75%)
Agriculture	Outdoor Uses: none Indoor Uses: 1 per 250 square feet of net floor area	None
Animal Care, Sales and Services		
Animal Daycare	1 per 250 square feet of net floor area	1 per 1,750 square feet (100%/0%)
Animal Shelter and Boarding	1 per 250 square feet of net floor area	1 per 1,750 square feet (100%/0%)
Grooming and Pet Stores	1 per 250 square feet of net floor area	1 per 1,750 square feet (100%/0%)
Veterinary Services	1 per 250 square feet of net floor area	1 per 1,750 square feet (100%/0%)
Aquaculture Facilities	As determined by the Community Development Director in consultation with the Public Works Director	As determined by the Public Works Director

TABLE 30.175.040: REQUIRED OFF-STREET PARKING SPACES		
Use Classification or Development Type	*Required Automobile Parking Spaces*	*Required Bicycle Parking Spaces (long term/short term)*
Artist Studio	1 per 250 square feet of net floor area	1 per 1,750 square feet (0%/100%)
Automated Teller Machine (ATM)	1 per 250 square feet of net floor area	1 per 1,750 square feet (0%/100%)
Automobile/Vehicle Sales and Services		
Automobile/Vehicle Rentals	1 per 250 square feet of net floor area	1 per 1,750 square feet (25%/75%)
Automobile/Vehicle Sales and Leasing	1 per 250 square feet of net floor area	1 per 1,750 square feet (25%/75%)
Car Washing Facilities	1 space per 250 net square feet, excluding the car wash bays. Minimum 2 spaces for automatic and self-service car washes and 5 spaces for full-service car washes.	1 per 1,750 square feet (25%/75%)
Fueling Station	1 per 250 square feet of net floor area, including vehicle repair bays. Minimum 2 spaces. No additional spaces are needed for an automatic (drive-through) car wash. Other types of car washes require parking as specified in this table.	1 per 1,750 square feet (25%/75%)
Service and Repair, Minor	1 per 250 square feet, including vehicle repair bay area.	1 per 1,750 square feet (25%/75%)
Banks and Financial Institutions	1 per 250 square feet of net floor area	1 per 1,750 square feet (25%/75%)
Business Services	1 per 250 square feet of net floor area	1 per 1,750 square feet (25%/75%)
Commercial Entertainment and Recreation		
Cinema/Theaters	1 per 100 square feet of net floor area	1 per 1,000 square feet (0%/100%)
Large Scale	As determined by the Community Development Director in consultation with the Public Works Director	As determined by the Public Works Director
Small Scale	1 per 250 square feet of net floor area, plus 2 spaces per any outdoor sport court, plus 1 per 250 square feet of the surface area of any outdoor swimming pool	1 per 1,750 square feet (25%/75%)
Drive-Through Facility	None beyond what is required for the primary Use Classification	None beyond what is required for the primary Use Classification
Eating and Drinking Establishments		

TABLE 30.175.040: REQUIRED OFF-STREET PARKING SPACES		
Use Classification or Development Type	*Required Automobile Parking Spaces*	*Required Bicycle Parking Spaces (long term/short term)*
Bars/Night Clubs/Lounges	1 per 250 square feet of net floor area	1 per 500 square feet (25%/75%)
Food and Beverage Tasting	1 per 250 square feet of net floor area	1 per 500 square feet (25%/75%)
Full Service	1 per 250 square feet of net floor area	1 per 500 square feet (25%/75%)
Convenience	1 per 250 square feet of net floor area	1 per 500 square feet (25%/75%)
Food Preparation	1 per 250 square feet of net floor area	1 per 500 square feet (25%/75%)
Funeral Parlors and Interment Services	Consistent with Community Assembly or Office, per this table, as applicable	1 per 3,500 square feet (25%/75%)
Hotels and Similar Uses	See §30.175.040.~~(~~B~~)~~, Standards for Specific Uses and Activities	1 per 20 rooms, minimum 2 spaces (50%/50%)
Maintenance and Repair Services	1 per 250 square feet of net floor area	1 per 1,750 square feet (50%/50%)
Market Garden	1 per 250 net square feet of floor area or 1 per 2,000 square feet of lot area, whichever is greater; minimum 2 spaces shall be provided per site.	1 per 1,750 square feet (0%/100%)
Medical Cannabis Dispensary	1 per 250 square feet of net floor area	1 per 1,750 square feet (25%/75%)
Mobile Food Vendors	See §30.185.420, Temporary Uses	See §30.185.420, Temporary Uses
Nurseries and Garden Centers	1 per 250 net square feet of floor area or 1 per 2,000 square feet of lot area, whichever is greater; minimum 2 spaces shall be provided per site.	1 per 1,750 square feet (75%/25%)
Offices		
Business and Professional	1 per 250 square feet of net floor area	1 per 1,750 square feet (75%/25%)
Medical and Dental	1 per 250 square feet of net floor area	1 per 1,750 square feet (75%/25%)
Outdoor Sales and Display	None, if Outdoor Sales and Display is an Accessory Use; otherwise, 1 per 500 square feet of area devoted to onsite outdoor sales and display	1 per 3,500 square feet (50%/50%)
Outdoor Seating	1 per 250 square feet of outdoor seating area where the outdoor seating area is 50% or	1 per 1,500 square feet (25%/75%)

TABLE 30.175.040: REQUIRED OFF-STREET PARKING SPACES		
Use Classification or Development Type	*Required Automobile Parking Spaces*	*Required Bicycle Parking Spaces (long term/short term)*
	more of the indoor floor area of any Eating and Drinking Establishment. Where the outdoor seating area is less than 50% of the indoor floor area of any Eating and Drinking Esatblishment, no additional parking is required.	
Parking, Public or Private	None	None
Personal Services	1 per 250 square feet of net floor area	1 per 1,750 square feet (50%/50%)
Retail Sales		
Food and Beverage Sales	1 per 250 square feet of net floor area	1 per 1,750 square feet (25%/75%)
General Retail	1 per 250 square feet of net floor area	1 per 1,750 square feet (25%/75%)
Neighborhood Market	None	4 short term spaces
Industrial Uses		
Automobile and Vehicle Repair, Major	1 per 500 square feet, including the vehicle repair bay area.	1 per 1,750 square feet (75%/25%)
Building Materials and Services	1 per 250 net square feet of floor area or 1 per 2,000 square feet of lot area, whichever is greater; minimum 2 spaces shall be provided per site.	1 per 1,750 square feet (75%/25%)
Commercial Vehicle and Equipment Sales and Rental	1 per 500 square feet; plus, Fueling and Car Washing per this table, if applicable	1 per 3,500 square feet (75%/25%)
Construction and Material Yards	1 per 500 net square feet of floor area or 1 per 2,000 square feet of lot area, whichever is greater; minimum 2 spaces shall be provided per site.	1 per 1,750 square feet of General Retail (75%/25%)
Custom Manufacturing	1 per 500 square feet of net floor area;	1 per 3,500 square feet (100%/0%)
Food and Beverage Manufacturing		
Limited/Small Scale	1 per 500 square feet of net floor area;	1 per 3,500 square feet (100%/0%)
General/Large Scale	1 per 500 square feet of net floor area;	1 per 3,500 square feet (100%/0%)
Hazardous Waste Management Facility	As determined by the Community Development Director in consultation with the Public Works Director	1 per 3,500 square feet (100%/0%)

TABLE 30.175.040: REQUIRED OFF-STREET PARKING SPACES		
Use Classification or Development Type	*Required Automobile Parking Spaces*	*Required Bicycle Parking Spaces (long term/short term)*
Household Hazardous Waste Collection Facility	1 per 500 square feet	As determined by the Public Works Director
Industry, General	1 per 500 square feet of net floor area;	1 per 3,500 square feet (100%/0%)
Industry, Limited	1 per 500 square feet of net floor area;	1 per 3,500 square feet (100%/0%)
Recycling Collection Facility	1 per 500 square feet of net floor area;	1 per 3,500 square feet (100%/0%)
Research and Development	1 per 500 square feet of net floor area;	1 per 3,500 square feet (75%/25%)
Salvage and Wrecking	1 per 500 net square feet of floor area or 1 per 2,000 square feet of lot area, whichever is greater; minimum 2 spaces shall be provided per site.	None
Towing and Impound	1 per 500 net square feet of floor area or 1 per 2,000 square feet of lot area, whichever is greater; minimum 2 spaces shall be provided per site.	None
Warehousing and Storage		
Indoor Warehousing and Storage	1 per 1,000 square feet of net floor area, plus 1 per 250 square feet for any office space;	1 per 1,750 square feet of office space (75%/25%)
Outdoor Storage	1 per 1,000 square feet of lot area, minimum 2 spaces shall be provided per site	None
Personal Storage	1 per 1,000 square feet of net floor area, plus 1 per 250 square feet for any office space; minimum 3 spaces	1 per 1,750 square feet of office space (25%/75%)
Wholesaling and Distribution	1 per 500 square feet, see of net floor area;	1 per 3,500 square feet (75%/25%)
Transportation, Communication, and Utilities Uses		
Freight/Truck Terminals and Warehouses	1 per 500 square feet of net floor area	1 per 3,500 square feet (75%/25%)
Light Fleet-Based Services	1 per 500 square feet of net floor area	1 per 3,500 square feet (75%/25%)
Telecommunication Facilities	Unstaffed facility: 0 Staffed facility: As determined by the Community Development Director in consultation with the Public Works Director	None

TABLE 30.175.040: REQUIRED OFF-STREET PARKING SPACES		
Use Classification or Development Type	*Required Automobile Parking Spaces*	*Required Bicycle Parking Spaces (long term/short term)*
Transportation Passenger Terminals	As determined by the Community Development Director in consultation with the Public Works Director	As determined by the Public Works Director
Public Works and Utilities	As determined by the Community Development Director in consultation with the Public Works Director	As determined by the Public Works Director

B. **Standards for Specific Uses and Activities.** The number of required automobile and bicycle parking spaces for the following specific uses and activities shall be calculated as follows:

1. ***Parking for Multiple Uses.*** For uses other than shopping centers and accessory uses, if more than one use is proposed on a lot, the number of required automobile and bicycle parking spaces shall be equal to the sum of the parking requirement calculated separately for each use as described below.

   a. *Separation.* Multiple uses with different automobile and bicycle parking requirements located in the same building must be physically separated with a fixed barrier, of a sufficient height and material to adequately separate uses, or the automobile and bicycle parking requirement shall be calculated at the highest rate for all uses.

   b. *Common Areas.* Common areas, such as hallways or shared bathrooms, for multiple uses shall be calculated using the highest automobile and bicycle parking rate for all proposed uses.

2. ***Parking for Shopping Centers.*** Shopping centers may provide required automobile parking spaces at a rate of one space per 250 square feet of net floor area, and bicycle parking at a rate of one space per 1,750 square feet of net floor area, of all buildings occupied with a commercial use, even if a higher minimum parking requirement is indicated in Table 30.175.040, Required Off-Street Parking Spaces, for individual uses. This provision does not apply if the shopping center includes any of the following uses: Hotels and Similar Uses, Residential, Public and Semi-Public, Industrial, or Transportation, Communication and Utilities.

3. ***Parking for Accessory Uses.*** If the floor area of any accessory use does not exceed the maximum size, as described in Section 30.185.030, Accessory Uses, additional automobile and bicycle parking spaces shall not be required for any accessory use, even if a higher minimum parking requirement is indicated in Table 30.175.040, Required Off-Street Parking Spaces. However, manufacturing, warehouse, or storage use that is incidental, or accessory to, a primary use shall not be parked at a lower rate than that required for the primary use.

4. ***Parking for Outdoor Uses.*** The area of any outdoor use that requires automobile or bicycle parking spaces per Table 30.175.040, Required Off-Street

Parking Spaces, shall be identified on an approved plan and shall be demarcated on the site with a fixed barrier which may include, but is not limited to, bollards, railings, posts, walls, fences, patios, planters, or any similar visual or physical border.

5. ***Parking for Fleet Vehicles.*** Any use that operates more than three fleet vehicles shall provide off-street parking spaces for all fleet vehicles in addition to the automobile and bicycle parking spaces required by Table 30.175.040, Required Off-Street Parking Spaces, for employee and customer parking.

6. ***Vehicles as Inventory.*** Any use that retains an inventory of vehicles for sale, repair, or rental shall provide off-street storage space for those vehicles, and shall not utilize the automobile or bicycle parking spaces required by Table 30.175.040, Required Off-Street Parking Spaces, for vehicle storage or vehicle inventory.

7. ***Parking for Group Residential, Hotels and Similar Uses.*** Required automobile parking for Group Residential, Hotelsand Similar Uses, is as follows:

   a. *Guestrooms without kitchens provided in the unit:* shall provide one automobile parking space per guestroom, plus one automobile parking space per caretaker's unit in a Hotel and Extended Stay Hotel, if applicable.

   b. *Guestrooms with kitchens provided in the unit:* shall provide either one automobile parking space per guestroom, or per the automobile parking requirements for the Residential Housing Type in Table 30.175.040, Required Off-Street Parking Spaces, whichever is greater.

   c. If individual beds are provided for rent, rather than rooms (e.g., youth hostel or dormitory), the automobile parking requirement is one automobile parking space per two beds. A "bed" for the purposes of this Section shall mean 70 square feet in any guestroom.

   d. Auxiliary uses, including restaurants, spas, fitness centers, retail or similar uses, which are restricted to hotel occupants and their guests, shall require no additional automobile or bicycle parking spaces.

   e. Auxiliary uses, including restaurants, spas, fitness centers, retail or similar uses, which are available to members of the public and hotel occupants and their guests, shall require additional automobile and bicycle parking spaces pursuant to Table 30.175.040, Required Off-Street Parking Spaces. However, no conference centers in a hotel shall require additional automobile or bicycle parking spaces.

   f. For automobile and bicycle parking required for Hotels and Similar Uses in the Central Business District, see 30.175.050.B.1.a.ii.

8. ***Vehicle Repair Bays.*** Vehicle repair bays for any use shall not be counted as parking spaces.

9. ***Parking for Warehousing and Storage.*** Warehousing and storage uses that meet the following standards may use the automobile and bicycle parking requirement for Warehousing and Storage uses in Table 30.175.040, Required Off-Street Parking Spaces. Other warehousing and storage uses shall use the required automobile and bicycle parking rate for the most similar industrial or commercial use.

    a. Warehousing and Storage is an allowed use in the Zone.

    b. With the exception of Personal Storage, a minimum of 1,000 net square feet of contiguous, undivided warehouse or storage area is provided.

    c. The warehouse or storage use is not accessory to a primary use.

10. ***Uses Not Specified.*** If automobile and bicycle parking requirements for a use are not specified in Table 30.175.040, Required Off-Street Parking Spaces, automobile and bicycle parking spaces shall be required in an amount adequate to meet the purpose of this Chapter, as determined by the Community Development Director, in consultation with the Public Works Director taking into consideration factors such as parking demand and similar uses listed in Table 30.175.040, Required Off-Street Parking Spaces.

30.175.050 Parking Exceptions and Reductions

A. **Affordable and Senior Housing.** Unless further reduced by any applicable State law, development in which 100 percent of the units are developed as rental units affordable to very low or low income households, or Senior Housing, may reduce the number of automobile parking spaces to one uncovered automobile parking space per unit, and units restricted to Low Income Senior Housing may reduce the number of automobile parking spaces to one automobile parking space for every two units, provided the following conditions are met:

1. ***Storage Space.*** Each unit shall have a minimum of 200 cubic feet of enclosed, weatherproofed, and lockable private storage space for the sole use of the unit tenant. Such space shall be accessible from the exterior of the unit it serves and shall have a minimum dimension of three feet.

2. ***Recorded Covenant.*** A covenant is recorded in the County Land Records against the title stating the following. The City shall be a party to the covenant.

    a. All of the residential units on the Real Property shall be rented to very low or low income households or seniors; the maximum rent and the maximum household income of tenants shall be determined as set forth in the Affordable Housing Policies and Procedures Manual, and affordability shall continue for a minimum 90 years from the initial occupancy of the residential unit.

    b. The development has received a reduction in the amount of automobile parking required because it is a 100 percent affordable or senior project. In the event that the Real Property, or any portion thereof, is

not or cannot be used solely for very low or low income rental or senior housing, either (i) the structure(s) shall be redesigned and possibly reconstructed and the number of residential units shall be reduced so that the maximum number of residential units on the Real Property does not exceed the number of residential units that would be allowed if there is compliance with the City's parking requirements then in effect, or (ii) the owner shall provide the number of automobile parking-spaces required by this Chapter for the new use.

3. ***Bicycle Parking.*** Bicycle parking is provided pursuant to Table 30.175.040, Required Off-Street Parking Spaces.

B. **Central Business District (CBD).**

1. ***Automobile Parking.*** The number of automobile parking spaces required within the Central Business District (CBD) delineated in Figure 30.175.050.~~(~~B~~)~~, Central Business District and Parking Zones of Benefit, shall be as follows.

a. *Nonresidential Parking.* One automobile parking space per 500 square feet of net floor area.

i. Zone of Benefit Reduction. The number of required automobile parking spaces shall be reduced by the applicable Zone of Benefit Reduction percentage.

ii. Hotels and Similar Uses. The number of required automobile parking spaces shall be the lesser of one space per 500 square feet or per Paragraph 30.175.040~~(~~.B~~).~~~~(~~7~~)~~, Parking for Group Residential, Hotels and Similar Uses.

b. *Residential Only Parking.* Residential only developments shall provide automobile parking in accordance with Table 30.175.040, Required Off-Street Parking Spaces; however, guest parking is not required.

c. *Mixed-Use Developments.* The residential parking requirement for mixed-use developments in the CBD is one uncovered automobile parking space per residential unit, and guest parking is not required.

2. ***Bicycle Parking.*** The number of bicycle parking spaces required within the Central Business District delineated in Figure 30.175.050~~(~~.B~~)~~, Central Business District and Parking Zones of Benefit, shall be as stated in Table 30.175.040, Required Off-Street Parking Spaces. However, short term bicycle parking is not required for any nonresidential uses on State Street and in the first block east or west of State Street.

C. **Mixed-Use Development.** Where residential uses occupy less than 50 percent of the total net floor area of a mixed-use development, the number of required residential automobile parking spaces shall be one space per unit unless fewer are allowed by

Table 30.175.040, Required Off-Street Parking Spaces. Guest parking is required. Required bicycle parking shall be as stated in Table 30.175.040, Required Off-Street Parking Spaces.

D. **Reduction for Bicycle Parking.** In an existing parking lot, uncovered automobile parking spaces required for any nonresidential development may be substituted with bicycle parking, pursuant to the following:

1. One of every seven required automobile parking spaces, up to a maximum of two spaces, may be substituted with bicycle parking.
2. Six bicycle parking spaces shall be provided for each substituted automobile parking space.
3. An adequate maneuvering aisle shall be provided;
4. Bicycle parking spaces provided shall be consistent with the City Access and Parking Design Guidelines;
5. The bicycle parking spaces shall be located as near as practical to the primary entrance of the main building or buildings; and
6. This allowance is applicable to existing automobile parking spaces on existing development only, and shall not be used to provide fewer automobile parking spaces than are required for a project consisting of new or reconstructed buildings, additions, or a change of use.

E. **Reduction for Motorcycle Parking.** In an existing parking lot, uncovered automobile parking spaces required for any nonresidential development may be substituted with motorcycle parking, pursuant to the following:

1. One of every 20 required automobile parking spaces up to a maximum of five spaces, may be substituted with motorcycle parking;
2. Two motorcycle parking spaces shall be provided for each substituted automobile parking space;
3. An adequate maneuvering aisle shall be provided;
4. Motorcycle parking spaces provided shall be consistent with the City Access and Parking Design Guidelines;
5. The motorcycle parking spaces shall be located as near as practical to the primary entrance of the main building or buildings; and
6. This allowance is applicable to existing automobile parking spaces on existing development only, and shall not be used to provide fewer automobile parking spaces than are required for a project consisting of new or reconstructed buildings, additions, or a change of use.

F. **Reduction for Parking Area Improvements.** The Community Development Director may approve a reduction of up to two required automobile parking spaces for multi-unit residential, nonresidential, or mixed-use development, in order to:

1. Provide appropriately screened and located trash and recycling areas, or

2. Make an improvement to the existing circulation, safety or other required parking lot design and development standards.

This reduction is allowed only if the Community Development Director finds that no alternative methods for achieving the same result can be made without a reduction in automobile parking spaces. This allowance is applicable to existing automobile parking spaces on existing development only, and shall not be used to provide fewer automobile parking spaces than are required for a project consisting of new or reconstructed buildings, additions, or a change of use.

G. **Reduction for Carsharing Program.** Required automobile parking spaces may be substituted with designated Carshare Vehicle parking spaces on multi-unit residential, nonresidential and mixed-use development, pursuant to the following:

1. Up to a maximum of 10 percent of the required automobile parking spaces required for any multi-unit residential or mixed-use development, may be designated as Carshare Vehicle parking spaces. Up to a maximum of 25 percent of required automobile parking spaces may be designated as Carshare Vehicle parking spaces on a site developed with exclusively nonresidential uses.

2. Carshare Vehicles shall be maintained for active use by Carshare Service and not for other purposes. No sales, servicing, storage, repair, administrative or similar functions shall occur and no personnel shall be employed on the site except for occasional short-term maintenance of vehicles unless otherwise permitted by the land use regulations in the zoning district.

3. Carshare Vehicles shall be made available to members of the Carsharing Service through an unattended, self-service operation 24 hours a day, seven days a week.

4. All owners of a lot, including any applicable Homeowner's Associations, shall be required to grant permission for the operation or parking of a Carshare Vehicle on their property.

5. A permit is required to establish Carsharing Service on any lot.

H. **Small Residential Unit Reduction.** Required automobile parking for any residential unit with 600 square feet or less of livable floor area, excluding covered parking, and no more than one bedroom, is one uncovered automobile parking space per unit. Required bicycle parking shall be as stated in Table 30.175.040, Required Off-Street Parking Spaces.

I. **Reduction for Electric Vehicle Charging Stations (EVCS).** Electric vehicle charging stations (EVCS) shall be designed and provided in compliance with the Building Code. Required automobile parking spaces may be substituted with designated electric vehicle charging stations, pursuant to the following:

1. The electric vehicle charging space shall comply with all standards for parking areas pursuant to this Chapter;

2. Developments that provide electric vehicle charging stations may reduce the parking requirement by one required automobile parking space for every one space that is provided for electric vehicle charging; and

~~6.~~3. The location of electric vehicle charging stations, and associated equipment, shall be no closer than 10 feet to a front lot line.

30.175.060 Location of Required Automobile and Bicycle Parking

A. **On-Site Parking Required.** Required automobile and bicycle parking shall be located on the same lot as the residential unit served except as allowed below.

1. ***Allowance for Off-Site Parking.*** Required automobile parking for nonresidential uses and for residential uses located in nonresidential zones may be located in an offsite facility, subject to approval by the Community Development Director, provided the following conditions are met:

a. *Location.* Any offsite automobile parking facility must be located closer than 500 feet, along a designated pedestrian route, of the principal entrance containing the use for which the parking is required. The Public Works Director may approve a distance of up to 1,250 feet for nonresidential uses only.

b. *Assigned.* Offsite automobile parking areas shall be assigned to the site with parking directional signs, both onsite and offsite.

c. *Recorded Agreement.* A Recorded Agreement is required pursuant to Chapter 30.260, Recorded Agreements.

B. **Uncovered Parking.** Uncovered automobile and bicycle parking shall observe the same setbacks as covered parking in the zone, except as otherwise allowed by this Section. Where there is no setback specified for covered parking, uncovered automobile and bicycle parking shall observe the smallest setback in the zone.

C. **Front Setback.** Automobile and bicycle parking shall not be located within any front setback except as follows.

1. ***Nonresidential Bicycle Parking.*** Uncovered bicycle parking required for nonresidential uses may be located in a front setback for nonresidential and mixed-use developments.

D. **Front Yard.** Uncovered vehicle and bicycle parking in the front yard is prohibited on any single-unit or two-unit residential development unless it is hidden from public view with a fence, hedge or driveway gate. This requirement may be reduced or waived by the appropriate Design Review body if the uncovered vehicle or bicycle parking area is determined to be adequately screened pursuant to Section 30.15.120, Screening.

E. **Interior Setback.** Vehicle and bicycle parking shall not be located within any interior setback, with the following exceptions:

1. ***Single-Unit Residential.*** Where allowed pursuant to Section 30.175.030.~~(~~M~~)~~, Covered Parking, uncovered automobile parking may be located three feet

from any interior lot line, provided a minimum of three feet in width of planting area shall be provided for the length of the paved parking area along the interior lot line. This allowance shall not be used to provide guest parking.

2. ***Multi-Unit Residential.*** Uncovered automobile and bicycle parking may be allowed in an interior setback provided the required landscape buffer is provided per Section 30.175.080, Parking Area Landscape and Fence Standards.

3. ***Nonresidential and Mixed-Use.*** Uncovered automobile and bicycle parking may be allowed in an interior setback provided the required landscape buffer is provided per Section 30.175.080, Parking Area Landscape and Fence Standards.

F. **Vehicle Overhang.** The vehicle overhang is considered part of the parking space and shall not encroach into any sidewalk, roadway, setback, adjoining property lines, or reduce the clear area of walkways or access aisles.

30.175.070 Bicycle Parking

Bicycle parking shall be provided in accordance with the Building Code except where greater requirements are identified below.

A. **Bicycle Parking Spaces Required.** Each land use shall be provided at least the number of long term and short term bicycle parking spaces stated in Table 30.175.040, Required Off-Street Parking Spaces, unless a reduction is approved pursuant to Subsection 30.175.070.~~(~~B~~)~~, Bicycle Parking Reductions. Long term bicycle parking is covered and secured, and intended for use by residents, employees or students for long time periods. Short term bicycle parking is conveniently located and intended for use by business patrons, visitors, and guests for a shorter time.

B. **Bicycle Parking Facility Design.** All bicycle parking facilities shall be designed and constructed consistent with the City Standards for Parking Design, as determined by the Public Works Director.

C. **Bicycle Parking Reductions.** The number, percentages, or other standards for required long term and short term bicycle parking spaces may be reduced or waived if the Public Works Director finds that:

1. Adequate site space is not available on an existing development to provide bicycle parking; or

2. Reduced bicycle parking is justified by reasonably anticipated demand; or

3. Other criteria based on unusual or specific circumstances of the particular case as deemed appropriate by the Public Works Director.

30.175.080 Parking Area Landscape and Fence Standards

A. **Landscaping.** Landscaping of parking areas shall be provided and maintained according to the standards of this Subsection for any multi-unit residential, nonresidential or mixed-use development.

1. ***Licensed Architect Required.*** Landscape and irrigation plans shall be prepared by an architect or landscape architect registered in the State of California, unless reduced or waived by the Review Authority.

2. ***Perimeter Planter.*** Perimeter planting is required where a parking area is adjacent to a property line.

   a. *Front Lot Lines.* A landscaped buffer in compliance with one of the following methods shall be provided along all front property lines for the length of the parking area.

      i. A landscaped buffer with a minimum inside width of five feet and a fence or hedge 42 inches in height, or

      ii. A landscaped buffer with a minimum inside width of eight feet.

   b. *Interior Lot Lines.* A landscaped buffer with a minimum inside width of five feet shall be provided along all interior property lines for the length of the parking area.

3. ***Driveway Planter.*** Driveways adjacent to onsite buildings must be separated from building walls by a planting area with a minimum inside width of three feet.

4. ***Adjacent to Buildings and Walkways.*** A landscaped buffer with a minimum inside width of three feet shall be provided adjacent to all buildings and walkways.

5. ***Island Planter.*** A landscaped island, at least four feet in all interior dimensions, and containing at least one tree, shall be provided at each end of each interior row of automobile parking stalls and between every eight consecutive automobile parking stalls.

6. ***Trees.***

   a. *Number Required.* One for each five automobile parking spaces.

   b. *Distribution.* Trees shall be distributed relatively evenly throughout the parking area, in a planter at least four feet in all interior dimensions.

   c. *Size.* Two-thirds of the trees shall be a minimum 15-gallon size, the rest of the trees shall be a minimum five-gallon size.

7. ***Protection and Maintenance of Vegetation.***

   a. *Clearance from Automobiles.* All required landscaped areas shall be designed so that plant materials, at maturity, are protected from vehicle damage by providing a minimum two-foot clearance of low-growing plants where vehicle overhang is permitted or by wheel stops.

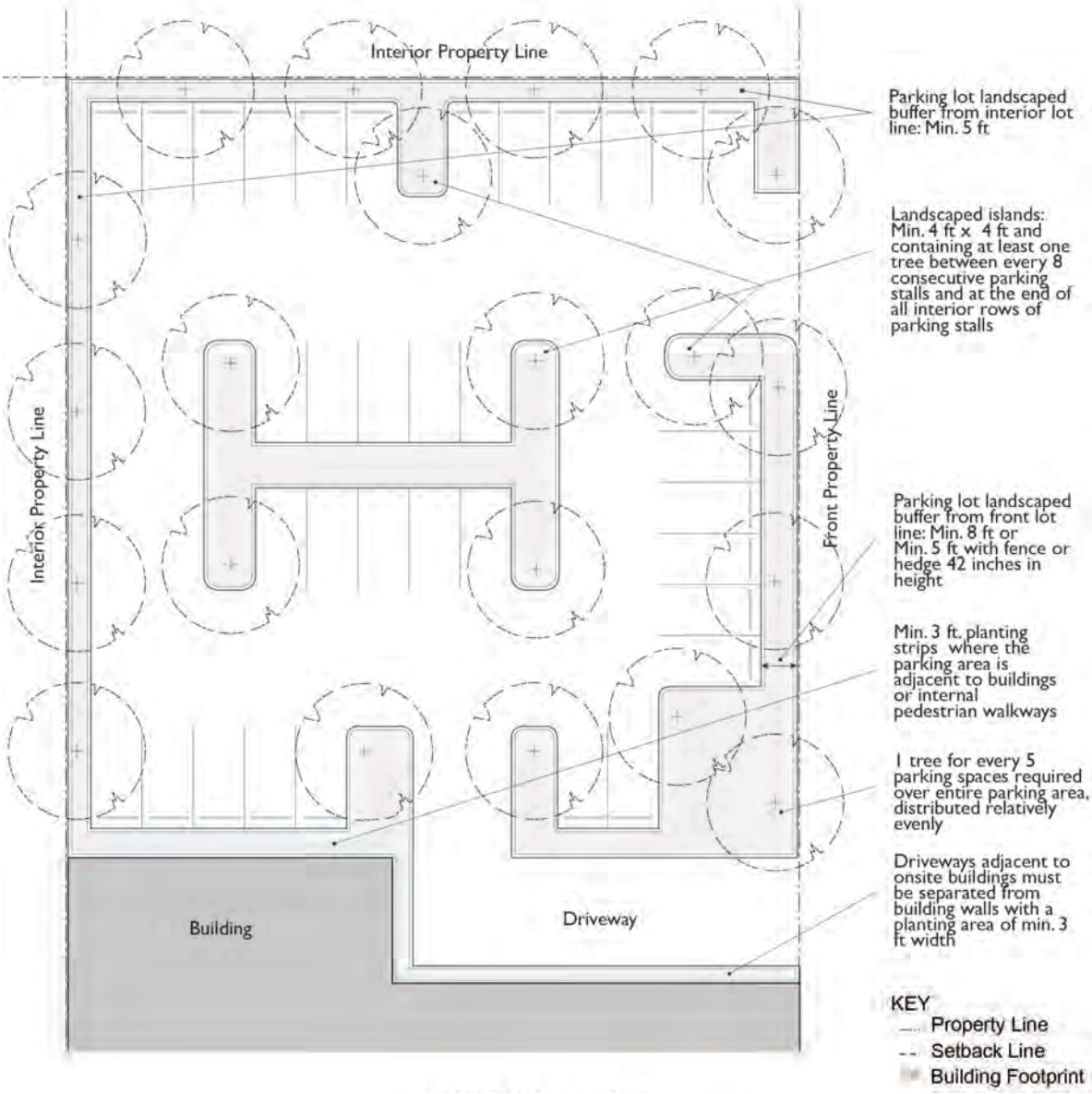
   b. *Planter Protection.* Required landscape areas shall be protected from vehicles by a physical barrier. The physical barrier shall be designed to allow stormwater runoff to pass through, unless an alternate stormwater runoff plan is approved. The planter shall also include an outlet

structure (e.g. weir or atrium grate) for excess storm water to flow out of the planter and into the storm drain system.

c. *Irrigation Plan Required.* A sprinkler system or drip irrigation system designed to provide complete coverage of all planted areas is required.

d. *Maintenance.* All vegetation shown on an approved parking area landscape plan shall be maintained and shall not be altered or removed except as allowed pursuant to Chapters 22.11, Maintenance of Approved Landscape Plans, and 15.24, Preservation of Trees, of the Santa Barbara Municipal Code.

FIGURE 30.175.080(.A): PARKING AREA LANDSCAPING

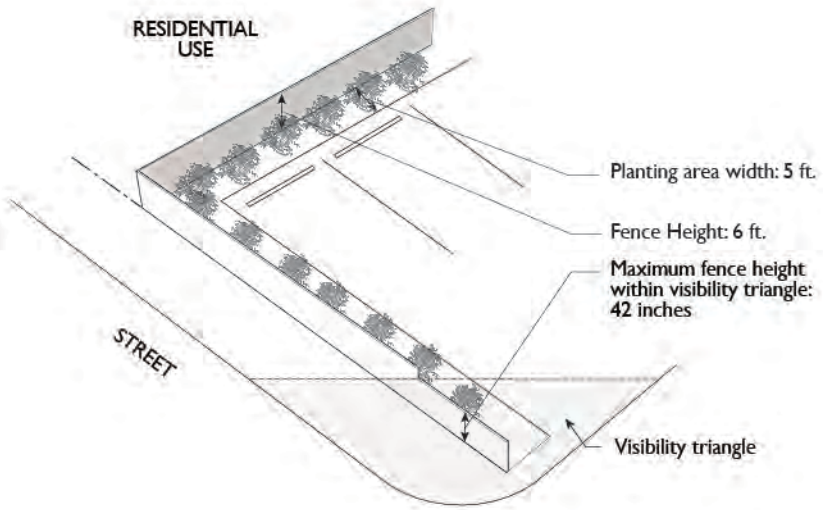


B. **Fences and Hedges.** On any multi-unit residential, nonresidential or mixed-use development, a decorative fence or hedge shall be provided where parking areas or driveways abut property used or zoned for residential purposes.

1. The fence or hedge shall be six feet high except within the visibility triangle described in Section 30.140.230, Visibility at Driveways and Intersections, where the maximum height is 42 inches.

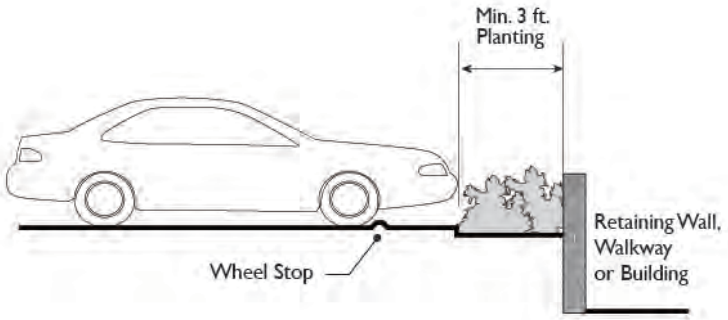
2. A five-foot-wide planting area shall be provided along the interior side of the fence or hedge.

FIGURE 30.175.080.~~(~~B~~)~~: PARKING AREA LANDSCAPING–FENCES AND HEDGES



C. **Retaining Walls.** Retaining walls shall be set back a minimum of three feet from parking areas and driveways. Footing design shall allow for planting in the space between the parking area and retaining wall.

FIGURE 30.175.080.~~(~~C~~)~~: PARKING AREA LANDSCAPING–RETAINING WALLS



D. **Visibility.** Notwithstanding other provisions of this Section, fences, hedges, and landscaping must comply with Section 30.140.230, Visibility at Driveways and Intersections.

E. **Alternative Landscape Designs.** Where an applicant can demonstrate to the satisfaction of the applicable Design Review Body that variations in the requirements of this Section are warranted in order to provide relief for existing site constraints, or to achieve a superior aesthetic or environmental design, an alternative landscape design may be approved. However, no perimeter planter on any interior lot line in a residential zone or adjacent to a residential zone shall be reduced to less than three feet.

30.175.090 Parking Area Design and Development Standards

All parking areas and new or reconstructed garages and carports shall be designed and developed consistent with the City Standard for Parking Design and the following standards as determined by the Public Works Director.

A. **Circulation and Safety.**

1. Visibility shall be assured for pedestrians, bicyclists, and motorists entering, circulating within and leaving a parking facility.
2. Parking lots shall be designed so that sanitation, emergency, and other public service vehicles can provide service without backing unreasonable distances or making other dangerous or hazardous turning movements.
3. Backing out onto a public street or sidewalk from a parking space shall be permitted only for Single-Unit and Two-Unit Residential, and where not more than four parking spaces are provided.
4. All turnaround movements shall be accomplished in one maneuver. One maneuver is considered to be one back up and one forward movement.
5. All automobile parking spaces shall be clearly marked with paint or other similar distinguishable material, except spaces established in a garage or carport having not more than three spaces, or for Single-Unit Residential.

B. **Pedestrian Access.** Safe, accessible, direct and convenient off-street pedestrian circulation consistent with the City Access and Parking Design Guidelines shall be provided for all developments other than single-unit and two-unit residential.

C. **Driveways.** Driveway access to automobile parking areas shall be consistent with the City Access and Parking Design Guidelines and the California Fire Code as amended and adopted by ordinance of this City.

1. Driveways, fire lanes, or other required vehicular maneuvering areas in any parking lot shall not be used for parking of vehicles or other storage that prohibits access.
2. Circular driveways, multiple driveways, or motor courts in any setback are prohibited, unless determined necessary for safety or necessary to serve permitted parking spaces.

3. All driveways and turnarounds shall serve approved parking areas or loading areas only, and shall not exceed the minimum dimensions necessary for vehicular maneuvering. If a driveway or driveway approach is no longer necessary to serve an approved parking area or loading area, all paving shall be removed, and the curb, gutter, and sidewalk shall be replaced to meet City Construction Standard Details.

D. **Gates.** In order to prevent vehicle obstructions of the street, sidewalk, or right-of-way, all driveway gates shall be setback a minimum of 20 feet from the front lot line for any use. Driveway gates for nonresidential uses may be located closer than 20 feet if the gates remain open during business hours.

E. **Loading.** In order to avoid undue interference with the public use of streets and alleys, off-street loading and unloading areas shall be provided for any use that employs valet parking and any other use where loading interferes with short-term or visitor parking, as determined by the Public Works Director.

F. **Tandem Parking.** Tandem parking may be approved by the Public Works Director to satisfy the automobile parking required by this Chapter in accordance with the following.

1. ***Residential Uses.***

a. *Accessory Dwelling Unit, Multi-Unit, and Mixed-Use Development.* Tandem automobile parking for accessory dwelling units, multi-unit residential, or for residential uses in a mixed-use development, shall meet the following:

i. No more than two automobiles shall be placed one behind the other;

ii. Both automobile parking spaces parked in tandem shall be assigned to the same residential unit;

iii. Automobile movements necessary to move cars parked in a tandem arrangement shall not take place on any street or alley;

iv. Tandem parking shall not be used to satisfy the guest parking requirement; and

v. Vertical or stackable tandem parking, provided by means of mechanical lifts, is subject to approval by the Public Works Director. Mechanical lifts shall be fully enclosed within a structure and shall require a recorded maintenance agreement, pursuant to Chapter 30.260, Recorded Agreements.

b. *Other Residential Uses.* For all other residential uses, tandem automobile parking shall only be approved for existing development if the Public Works Director finds that the tandem parking is needed for flexibility on a constrained lot, and where tandem parking does not create a safety hazard or traffic impacts. If approved, no more than two automobile spaces shall be placed one behind the other, and both automobile

spaces parked in tandem shall be assigned to the same residential unit. Tandem parking shall not be used to provide for the conversion of garage or carport spaces.

2. ***Nonresidential Uses.*** Tandem automobile parking for nonresidential uses shall meet the following:

   a. *Allowed Uses.* Limited to Hospitals and Clinics, Medical and Dental Offices, and Hotels and Similar Uses.

   b. *Minimum Number of Spaces.* Parking lots used for tandem automobile parking shall contain a minimum of 20 automobile parking spaces;

   c. *Design and Operation.* Shall be designed and operated as valet parking in compliance with all standards in Subsection 30.175.090.~~(~~G~~)~~, Valet Parking; and

   d. *Recorded Agreement Required.* A recorded agreement shall be executed establishing the valet parking will be maintained and reserved for the uses served for as long as such uses are in operation.

G. **Valet Parking.** Valet parking shall comply with all of the following:

1. Sites utilizing valet parking shall not use any street, alley, or City-owned parking facilities for automobile storage, pickup, drop-off, or interfere with any right-of-way without approval of the Public Works Director;

2. Vehicle movements in a tandem arrangement shall not take place on any street or alley;

3. The valet drop-off lanes, and any associated kiosks or other similar items, shall be located to allow for the safe and efficient function of the valet operation, in that it will neither adversely impact the parking and internal circulation of the parking lot or any adjacent right-of-way, nor encroach into any required fire lane access area;

4. Valet parking shall not interfere with, reduce, remove, or utilize any automobile or bicycle parking spaces required for any other use; and

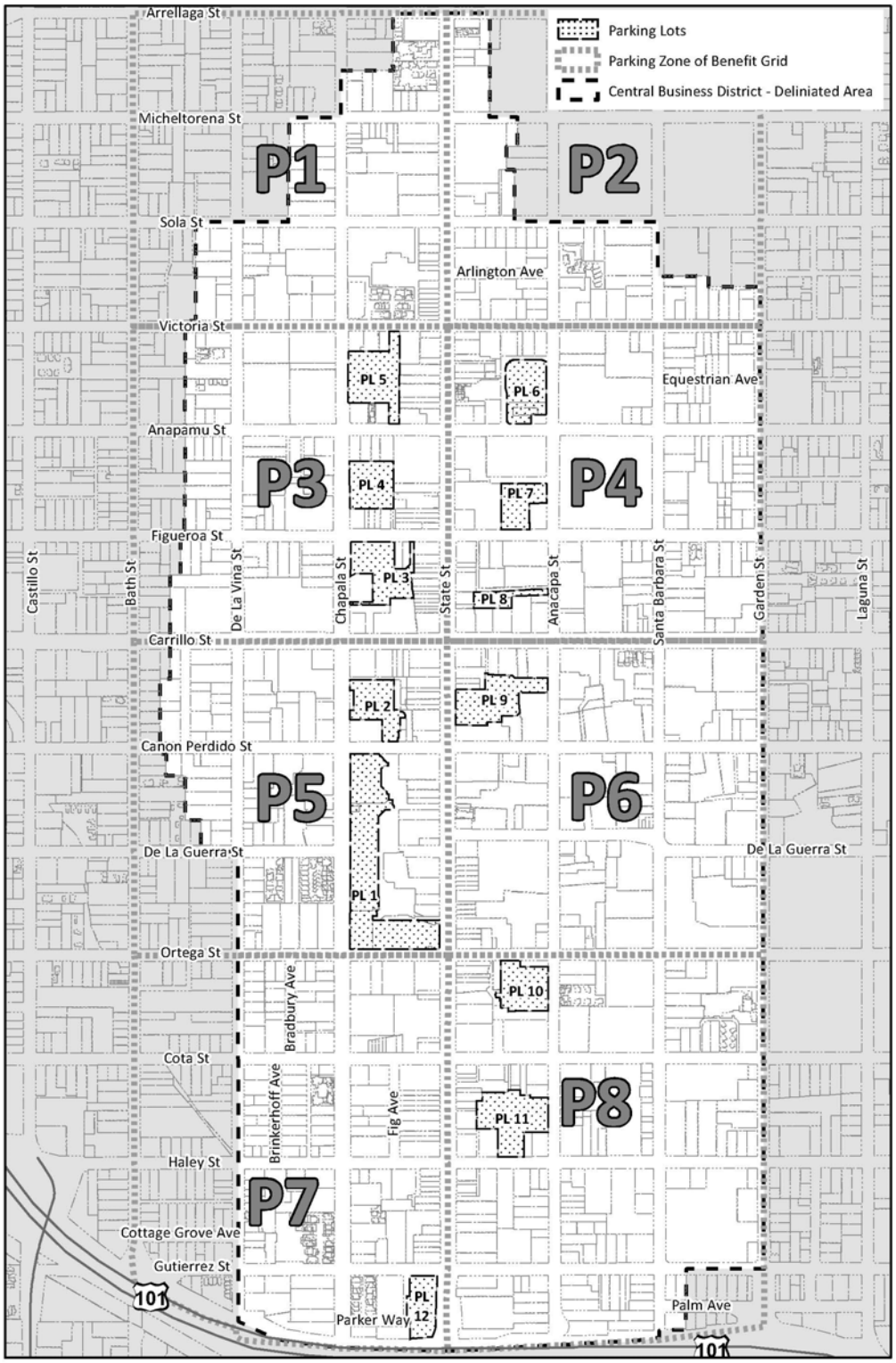
5. Sites utilizing valet parking shall ensure a parking attendant will be on duty at all times that the facility is in use, and sufficient staff and facilities to ensure that automobiles are moved for parking promptly. No automobile queuing or parking is allowed in travel lanes at any time. If the site is unable to satisfy the valet parking demand and queuing or double-parking occurs, the operation shall be temporarily closed, until the demand can be properly handled, and shall display a sign with the word "FULL" that is clearly visible to approaching traffic.

H. **Materials.** All required automobile parking areas and driveways shall be fully hard surfaced with asphaltic concrete of minimum thickness of two inches, with four inches compacted base, or other techniques or materials providing equivalent service. Gravel,

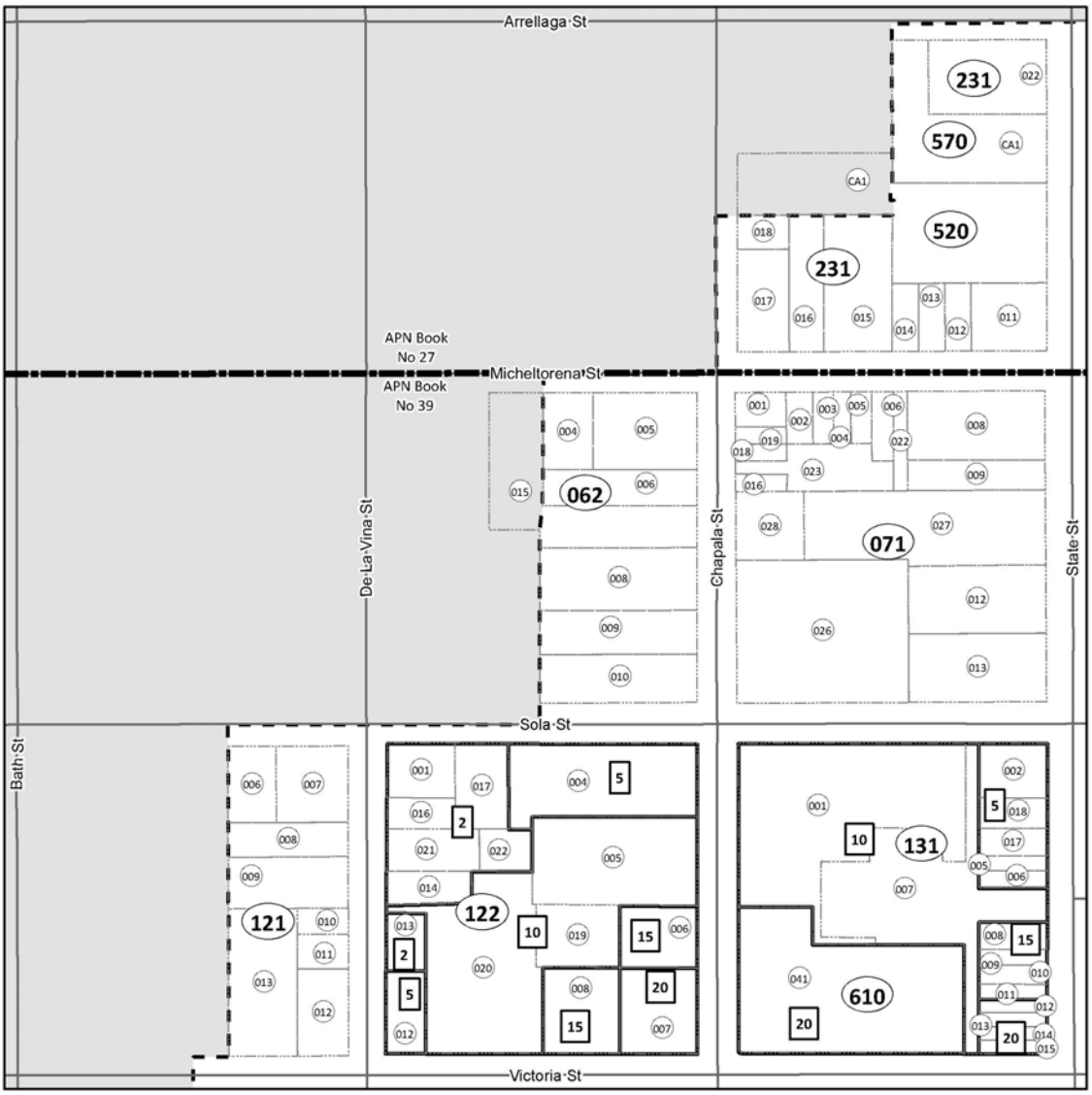
dirt, and other similar loose materials are prohibited in the driveway closer than 100 feet of any right-of-way.

I. **Waiver.** Any variation from the requirements of this Section must be approved pursuant to a waiver by the Public Works Director.

FIGURE 30.175.050.~~(~~B~~)~~: CENTRAL BUSINESS DISTRICT AND PARKING ZONES OF BENEFIT



PARKING ZONES OF BENEFIT
MAP PAGE P1



001 Assessor's Parcel Number

123 Assessor's Block Number

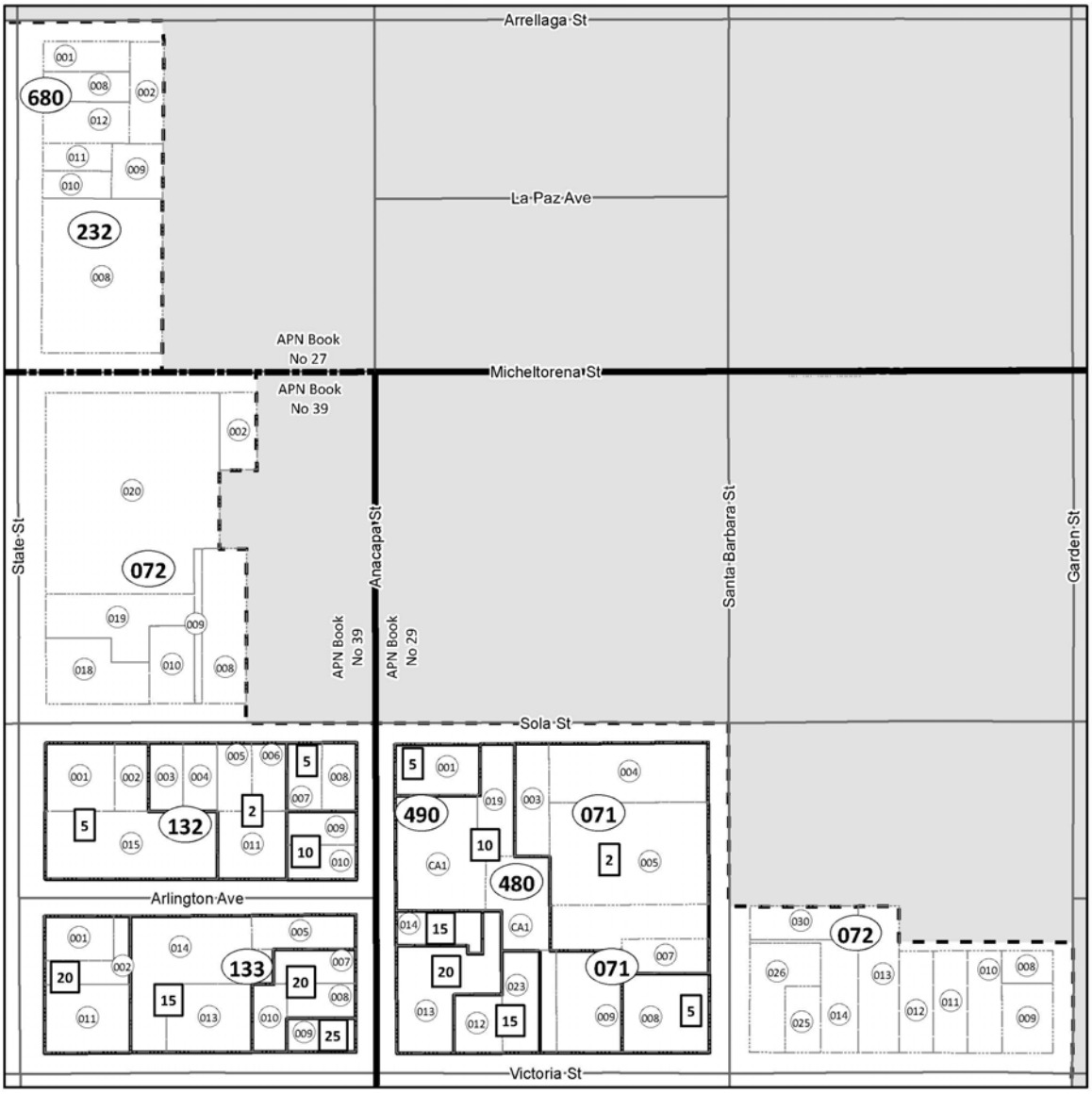
Assessor's Book Boundary

PL 1 Parking Lots

20 Parking Zone of Benefit % Credit

Central Business District - Deliniated Area

PARKING ZONES OF BENEFIT
MAP PAGE P2



001 Assessor's Parcel Number

123 Assessor's Block Number

Assessor's Book Boundary

PL 1 Parking Lots

20 Parking Zone of Benefit % Credit

Central Business District - Deliniated Area

PARKING ZONES OF BENEFIT
MAP PAGE P3

001 Assessor's Parcel Number

123 Assessor's Block Number

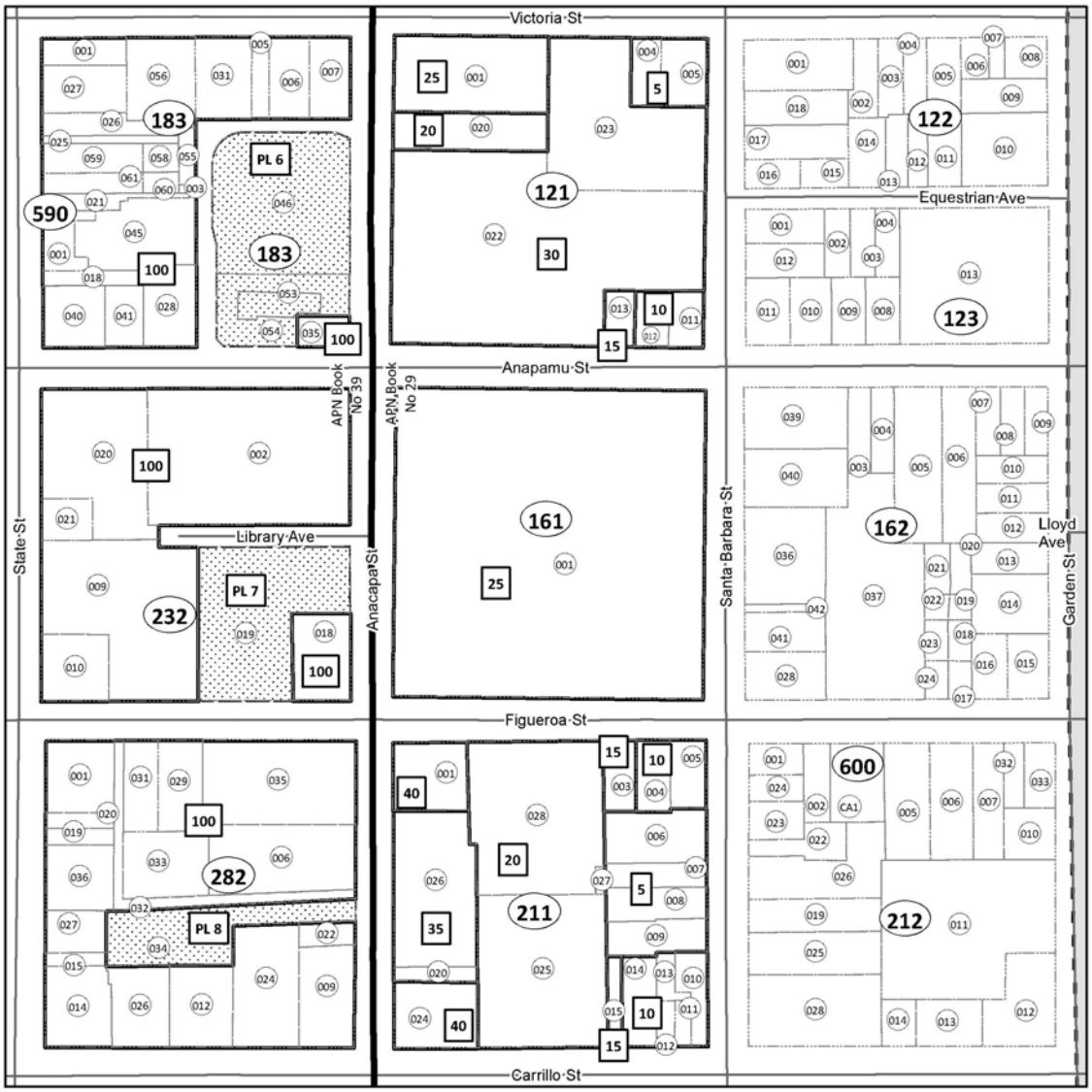
Assessor's Book Boundary

PL 1 Parking Lots

20 Parking Zone of Benefit % Credit

Central Business District - Deliniated Area

PARKING ZONES OF BENEFIT
MAP PAGE P4



001 Assessor's Parcel Number

123 Assessor's Block Number

Assessor's Book Boundary

PL 1 Parking Lots

20 Parking Zone of Benefit % Credit

Central Business District - Deliniated Area

PARKING ZONES OF BENEFIT
MAP PAGE P5

001 Assessor's Parcel Number

123 Assessor's Block Number

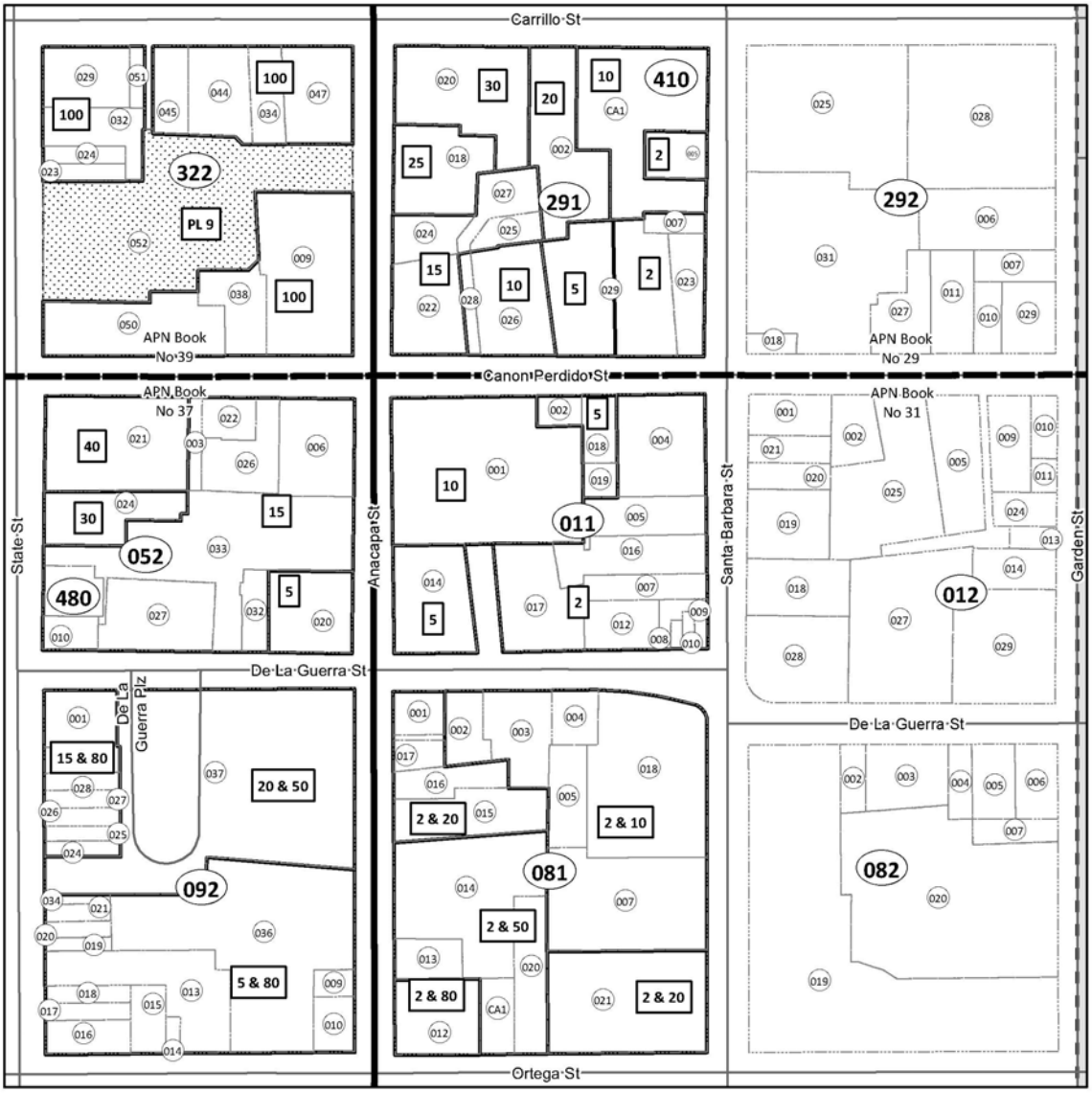
Assessor's Book Boundary

PL 1 Parking Lots

20 Parking Zone of Benefit % Credit

Central Business District - Deliniated Area

PARKING ZONES OF BENEFIT
MAP PAGE P6



001 Assessor's Parcel Number

123 Assessor's Block Number

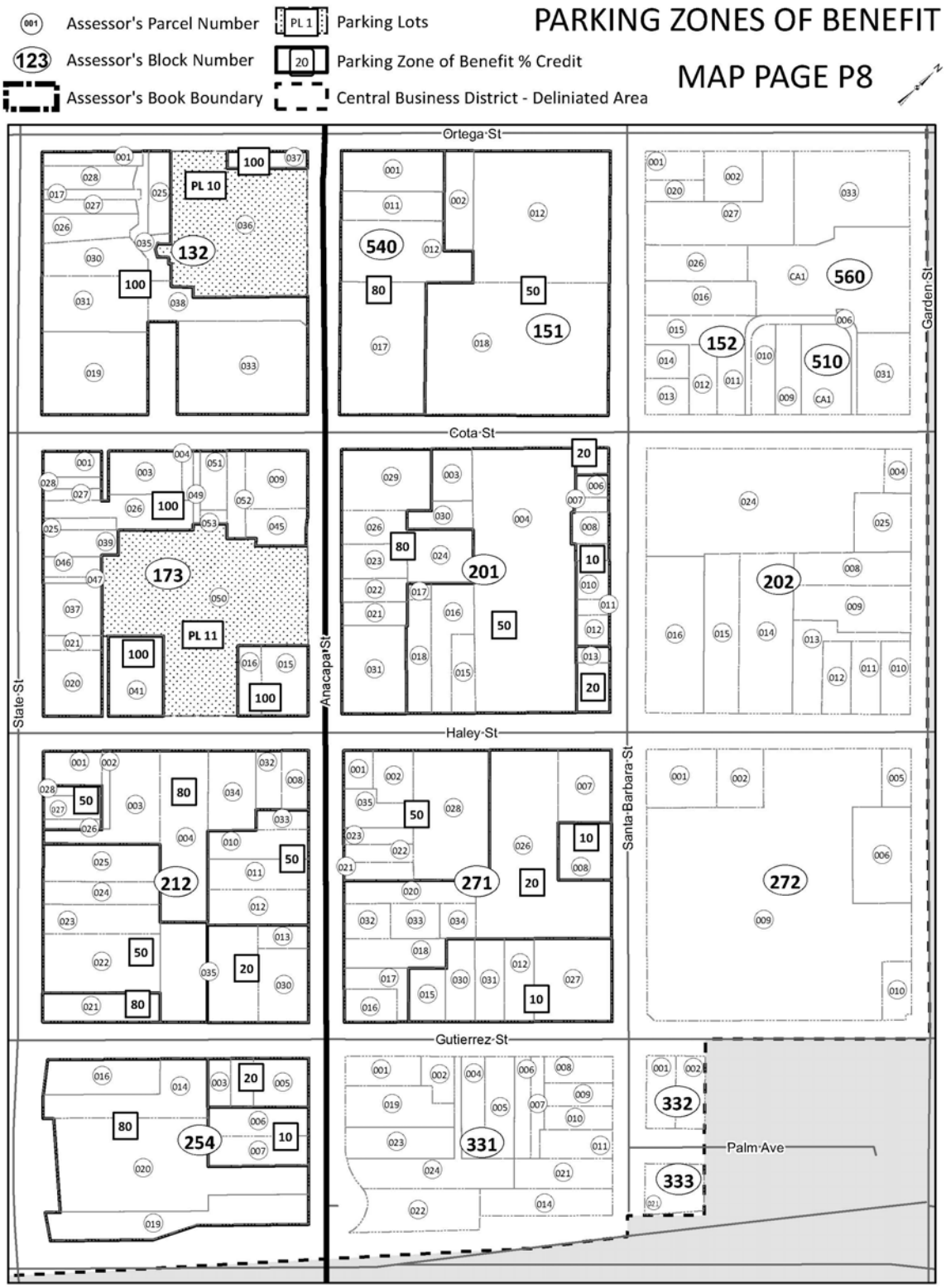
Assessor's Book Boundary

PL 1 Parking Lots

20 Parking Zone of Benefit % Credit

Central Business District - Deliniated Area

Assessor's Parcel Number
Assessor's Block Number
Assessor's Book Boundary
Parking Lots
Parking Zone of Benefit % Credit
Central Business District - Deliniated Area
PARKING ZONES OF BENEFIT
MAP PAGE P7
Ortega St
Cota St
Haley St
Gutierrez St
Parker Way
Bath St
Cottage Grove Ave
De La Vina St
Brinkerhoff Ave
Bradbury Ave
Chapala St
Fig Ave
State St
Motor Way


Assessor's Parcel Number
Assessor's Block Number
Assessor's Book Boundary
Parking Lots
Parking Zone of Benefit % Credit
Central Business District - Deliniated Area
PARKING ZONES OF BENEFIT
MAP PAGE P8
Ortega St
Cota St
Haley St
Gutierrez St
Palm Ave
State St
Anacapa St
Santa Barbara St
Garden St
PL 10
PL 11
132
173
212
254
271
272
331
332
333
151
152
201
202
510
540
560

Chapter 30.180 Performance Standards

Sections:

30.180.010 Purpose
30.180.020 General Standard
30.180.030 Measurement of Impacts
30.180.040 Dust and Fumes
30.180.050 Electromagnetic Interference
30.180.060 Fire and Explosive Hazards
30.180.070 Glare
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30.180.100 Waste Disposal
30.180.110 Noise
30.180.120 Odors
30.180.130 Outdoor Lighting and Streetlight
30.180.140 Vibration

30.180.010 Purpose

The purposes of this Chapter are to:

A. Establish permissible limits and permit objective measurement of nuisances, hazards, and objectionable conditions;

B. Ensure that all uses will provide necessary control measures to protect the community from nuisances, hazards, and objectionable conditions; and

C. Protect industry from arbitrary exclusion from areas of the City.

30.180.020 General Standard

Land or buildings shall not be used or occupied in a manner creating any dangerous, injurious, or noxious fire, explosive or other hazard that would adversely affect the surrounding area.

30.180.030 Measurement of Impacts

Measurements necessary for determining compliance with the standards of this Chapter shall be taken at the lot line of the establishment or use that is the source of a potentially objectionable condition, hazard, or nuisance.

30.180.040 Dust and Fumes

Uses, activities, and processes shall not operate in a manner that emits excessive dust, fumes, smoke, or particulate matter, unless authorized under federal, State, or local law. Sources of air emissions shall comply with all rules established by the Environmental Protection Agency (Code of Federal Regulations, Title 40), the California Air Resources Board, and the Santa Barbara County Air Pollution Control District.

30.180.050 Electromagnetic Interference

No use, activity or process shall cause electromagnetic interference with normal radio and television reception, or with the function of other electronic equipment beyond the lot line of

the site in which it is situated. All uses, activities and processes shall comply with applicable Federal Communications Commission regulations.

30.180.060 Fire and Explosive Hazards

All activities, processes and uses involving the use of, or storage of, flammable and explosive materials shall be provided with adequate safety devices against the hazard of fire and explosion. Firefighting and fire suppression equipment and devices standard in industry shall be approved by the Fire Department. All incineration is prohibited with the exception of those substances such as, but not limited to, chemicals, insecticides, hospital materials and waste products, required by law to be disposed of by burning, and those instances wherein the Fire Department deems it a practical necessity.

30.180.070 Glare

No use shall be operated such that significant, direct glare, incidental to the operation of the use is visible beyond the boundaries of the lot where the use is located.

30.180.080 Hazardous and Extremely Hazardous Materials

The use, handling, storage and transportation of hazardous and extremely hazardous materials shall comply with the provisions of the California Hazardous Materials Regulations and the California Fire and Building Codes, as well as the laws and regulations of the California Department of Toxic Substances Control and the County Environmental Health Agency. Activities, processes, and uses shall not generate or emit any fissionable or radioactive materials into the atmosphere, a sewage system or onto the ground.

30.180.090 Heat and Humidity

Uses, activities, and processes shall not produce any emissions of heat or humidity that cause distress, physical discomfort, or injury to a reasonable person, or interfere with ability to perform work tasks or conduct other customary activities. In no case shall heat emitted by a use cause a temperature increase in excess of five degrees Fahrenheit on another property.

30.180.100 Waste Disposal

A. **Discharges to Water or Sewers.** Liquids and solids of any kind shall not be discharged, either directly or indirectly, into a public or private body of water, sewage system, watercourse, or into the ground, except in compliance with applicable regulations of the California Regional Water Quality Control Board.

B. **Containment.** Wastes shall be handled and stored so as to prevent nuisances, health, safety and fire hazards, and to facilitate recycling. Closed containers shall be provided and used for the storage of any materials which by their nature are combustible, volatile, dust, or odor producing or edible or attractive to rodents, vermin, or insects.

C. **Incineration.** There shall be no rubbish or refuse incineration on the premises.

30.180.110 Noise

No use or activity shall create noise levels that exceed the standards set forth in Chapter 9.16, Noise, of the Santa Barbara Municipal Code. If any noise source is permitted and later determined to exceed the limits set forth in Chapter 9.16, Noise, of the Santa Barbara Municipal Code, the noise source must be relocated, replaced, or otherwise modified to achieve compliance with Chapter 9.16.

30.180.120 Odors

No person or business shall cause or allow the emission of offensive, noxious, or foul odors in concentrations which are offensive to a reasonable person, which produce a public nuisance or hazard on adjoining property, or which could be detrimental to human, plant, or animal life.

30.180.130 Outdoor Lighting and Streetlight

Outdoor lighting shall conform to the Outdoor Lighting and Streetlight Ordinance and Design Guidelines set forth in Chapter 22.75 of the Santa Barbara Municipal Code.

30.180.140 Vibration

No vibration shall be produced that is transmitted through the ground and is discernible without the aid of instruments by a reasonable person at the lot lines of the site. Vibrations from temporary construction, demolition, or vehicles that enter and leave the subject parcel (e.g., construction equipment, trains, trucks, etc.) are exempt from this standard.

Chapter 30.185 Standards for Specific Uses and Activities

Sections:

30.185.010 Purpose
30.185.020 Applicability
30.185.030 Accessory Uses
30.185.040 Accessory Dwelling Unit
30.185.050 Additional Residential Unit
30.185.060 Adult Entertainment Facilities
30.185.070 Agriculture
30.185.080 Automated Teller Machines
30.185.090 Automobile/Vehicle Fueling Stations or Car Washing Facilities
30.185.100 Banks and Financial Institutions in the O-M Zone
30.185.110 Cannabis Cultivation
30.185.120 Caretaker Unit
30.185.130 Community and Market Gardens
30.185.140 Community Care Facilities, Residential Care Facilities for the Elderly, and Hospices
30.185.150 Day Care Centers
30.185.160 Drive-Through Facility
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30.185.260 Medical Equipment Supply Stores
30.185.270 Mobilehomes, Recreational Vehicles, and Modular Units, Individual Use
30.185.280 Mobilehome and Permanent Recreational Vehicle Parks
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30.185.330 Planned Residential Development
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30.185.350 Recreation Facilities
30.185.360 Residential Uses in the CO-HV and CO-CAR Zones
30.185.370 Retail Sales, Neighborhood Market
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30.185.390 Shooting Range
30.185.400 Solar Energy Systems
30.185.410 Telecommunications Facilities and Antennas
30.185.420 Temporary Uses
30.185.430 Transitional and Supportive Housing

30.185.010 Purpose

The purpose of this Chapter is to establish standards for specific uses and activities that are permitted or conditionally permitted in several or all zones. These provisions are supplemental standards and requirements to minimize effects of these uses and activities on surrounding properties and to protect the health, safety, and welfare of their occupants and of the general public.

30.185.020 Applicability

Each land use and activity covered by this Chapter shall comply with the requirements of the section applicable to the specific use or activity, in addition to any applicable standard this Title requires in the zone where the use or activity is proposed and all other applicable provisions of this Title.

A. The uses that are subject to the standards in this Chapter shall be located only where identified in this Chapter or allowed by zone land use regulations.

B. The uses that are subject to the standards in this Chapter are allowed only when authorized by the planning permit required by the applicable zone regulations, such as a Conditional Use Permit, except where this Chapter establishes a different planning permit requirement for a specific use.

30.185.030 Accessory Uses

A. **Defined.** An accessory use shall be secondary to a primary use on a lot and shall be allowed only in conjunction with a principal use or building to which it relates under the same regulations as the primary use in any zone, and subject to all of the following:

1. Accessory uses shall be related to and serve the purpose of the primary use.
2. Accessory uses shall be incidental and subordinate to the primary use, which can be demonstrated by elements including but not limited to: the floor area devoted to the use, the economic importance of the use, or the number of customers/visitors generated by the use.
3. Accessory uses and structures are also subject to the development and site regulations found in Chapter 30.140, General Site Regulations.

B. **Additional Requirements for Accessory Nonresidential Uses.**

1. ***Size.*** Unless otherwise allowed in this Title, the aggregate floor area of nonresidential accessory uses per building, structure, or tenant space is limited as follows:

   a. Building, structure, or tenant space floor area of 1,000 square feet or less: Maximum 25 percent of the building, structure, or tenant space;

   b. Building, structure, or tenant space floor area of 1,001 to 3,000 square feet: Maximum 250 square feet or 15 percent of the building, structure, or tenant space, whichever is greater; and

   c. Building, structure, or tenant space floor area of more than 3,000 square feet: Maximum 600 square feet or 10 percent of the building, structure, or tenant space, whichever is greater.

   d. Additional square footage may be permitted pursuant to approval of a Performance Standard Permit.

2. ***Separation.*** Accessory uses shall be physically separated from the primary use by a full-height wall or other permanently affixed physical barrier.

3. ***Parking.*** See Paragraph 30.175.040.B.3, Parking for Accessory Uses. In their approval of a Performance Standard Permit for additional square footage, the Review Authority may require additional parking be provided for the accessory use.

30.185.040 Accessory Dwelling Unit

Accessory dwelling units shall be located, developed, and occupied pursuant to California Government Code Section 65852.2.

30.185.050 Additional Residential Unit

Where a lot in an RS Zone has an area of more than the required lot area for that zone and adequate provisions for ingress and egress, a Performance Standard Permit may be granted by the Staff Hearing Officer for the construction of additional single-unit residence(s) and allowable accessory buildings.

A. **Minimum Site Area.** The minimum site area per residential unit shall be the minimum lot area required for the applicable zone.

B. **Configuration.** Residential units shall be detached; a duplex configuration is not permitted.

C. **Setbacks.** The additional residence(s) shall comply with the residential setback provisions of the applicable zone. However, the front yard is determined to end at the first main building on the lot.

D. **Maximum Floor Area (Floor to Lot Area Ratio).** The maximum floor area for each residential unit shall be determined by dividing the total net lot area by the total number of residential units, and the result shall be the hypothetical net lot area per unit. The hypothetical net lot area for each residential unit shall be used to determine conformance with the maximum floor area requirements in Table 30.20.030.A: Development Standards–Residential Single Unit Zones.

E. **Open Yard.** Open yards in conformance with the open yard requirements for a single-unit residence pursuant to Section 30.140.150, Open Yards, shall be provided for each residential unit.

F. **Parking.** Required parking shall be provided for each residential unit. Eligibility for covered parking exceptions pursuant to Section 30.175.030.M, Covered Parking, is based on the Maximum Floor Area (Floor to Lot Area Ratio) for each residential unit rather than the lot.

G. **Accessory Buildings.** Each residential unit may have up to the maximum amount of accessory building floor area as permitted by Section 30.140.020, Accessory Buildings; however, the maximum accessory building floor area may not be combined to create one building larger than is permitted by that section.

30.185.060 Adult Entertainment Facilities

A. **Purpose.**

1. It is the purpose of this Section to regulate adult entertainment businesses to promote the health, safety and welfare of the citizens of the City of Santa Barbara and to establish reasonable and uniform regulations to prevent the concentration of adult entertainment businesses within the City. In adopting this Section, it is recognized that certain types of adult entertainment businesses possess certain characteristics which, when concentrated, can have a deleterious effect upon adjacent areas. It is also recognized that locating the adult entertainment businesses covered by this Chapter in the vicinity of facilities frequented by minors will cause the exposure of minors to adult material which, because of their immaturity, may adversely affect them. Special regulation of these uses is necessary to ensure that these adverse effects will not contribute to the blighting or downgrading of the surrounding neighborhood and to an adverse effect on minors. The uses subject to these regulations are as follows:

   a. Adult bookstore, adult novelty store, or adult video store;

   b. Adult live entertainment theater;

   c. Adult motion picture or video arcade; and

   d. Adult motion picture theater.

2. The purpose of this ordinance is not to limit or restrict the content of any communicative materials, including sexually oriented materials, to restrict or deny access by adults to sexually oriented materials protected by the United States or California Constitutions, or to deny access by distributors and exhibitors of sexually oriented materials and entertainment to their intended market.

B. **Definitions.** For purposes of this Section, the following terms shall be defined as follows:

1. ***Adult Entertainment Business*** shall mean those businesses defined as follows:

   a. *Adult Bookstore, Adult Novelty Store, or Adult Video Store* is an establishment with a majority of: a) its floor area devoted to; or b) stock-in-trade consisting of; or c) gross revenues derived from, and offering for sale for any form of consideration, any one or more of the following:

      i. Books, magazines, periodicals or other printed matter, photographs, drawings, motion pictures, slides, films, tapes, video cassettes, records, or other visual or audio representations which are characterized by an emphasis upon the depiction or description of "specified sexual activities" or "specified anatomical areas;"

      ii. Instruments, devices or paraphernalia which are designed to be used in connection with "specified sexual activities;" or

iii. Goods which are replicas of, or which simulate "specified anatomical areas," or goods which are designed to be placed on or in "specified anatomical areas," or to be used in conjunction with "specified sexual activities."

b. *Adult Live Entertainment Theater* means any place, building, enclosure or structure, partially or entirely used for "live adult entertainment" performances or presentations characterized by an emphasis on depicting, exposing, displaying, describing or relating to "specified sexual activities" or "specified anatomical areas" for observation by patrons therein.

i. "Live adult entertainment" means any physical human body activity, whether performed or engaged in alone or with other persons, including but not limited to singing, walking, speaking, dancing, acting, posing, simulating, wrestling or pantomiming, in which the performer or performers expose to public view without opaque covering "specified anatomical areas" for entertainment value for any form of consideration.

c. *Adult Motion Picture or Video Arcade* means any business wherein coin, paper note or token operated, or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are maintained to show images to four or fewer persons per machine, at any one time, and where the predominant character or theme of the images so displayed is distinguished or characterized by its emphasis on matter depicting, or relating to "specified sexual activities" or "specified anatomical areas."

d. *Adult Motion Picture Theater* means any business, other than a hotel or motel, with the capacity of five or more persons where, for any form of consideration, films, motion pictures, video cassettes, slides, or similar photographic reproductions in which the predominant character and theme is distinguished or characterized by its emphasis on matter depicting, or relating to "specified sexual activities" or "specified anatomical areas" as defined in this Section. This includes, without limitation, showing any such slides, motion pictures or videos by means of any video tape system which has a display, viewer, screen, or a television set.

e. *Exception to Adult Entertainment Business.* An "Adult entertainment business" shall not include:

i. Bona fide medical establishments operated by properly licensed and registered medical and psychological personnel with appropriate medical or professional credentials for the treatment of patients.

ii. Persons depicting "specified anatomical areas" in a modeling class operated:

(1) By a college, junior college, or university supported entirely or partly by public revenue; or

(2) By a private college or university which maintains and operates educational programs in which credits are transferable to a college, junior college, or university supported entirely or partly by public revenue; or

(3) In a structure operated either as a profit or not-for-profit facility:

(a) Which has no sign visible from the exterior of the structure and no other advertising that indicates a nude person is available for viewing; and

(b) Where, in order to participate in a class, a student must enroll at least three days in advance of the class.

iii. The practice of massage in compliance with Chapter 5.76 of the Santa Barbara Municipal Code.

2. ***Employee.*** "Employee" of an adult entertainment business shall mean a person who works or performs in or for an adult entertainment business, regardless of whether or not said person is paid a salary, wage or other compensation by the operator of said business.

3. ***Establish.*** "Establish" shall mean and include any of the following:

a. The opening or commencement of any adult entertainment business as defined in this Section;

b. The conversion of an existing business, whether or not an adult entertainment business, to any adult entertainment business as defined in this Section;

c. The relocation of any adult entertainment business; or

d. The expansion or enlargement of the premises by 15 percent or more of the existing floor area as the area legally existed on March 1, 1994.

4. ***Operate.*** "Operate" shall mean to own, lease (as lessor or lessee), rent (as landlord or tenant or as agent for the purpose of representing a principal in the management, rental or operation of the property of such principal), manage, conduct, direct, or be employed in an adult entertainment business.

5. ***Operator.*** "Operator" shall mean and include the owner, custodian, manager or person in charge of any adult entertainment business.

6. ***Public Park, Beach or Recreation Area.*** "Public Park, Beach or Recreation Area" shall mean public land which has been designated for park, beach, recreational, or arts activities including but not limited to a park, beach, playground, nature trails, swimming pool, reservoir, athletic field, basketball or tennis courts, pedestrian/bicycle paths, open space, wilderness areas, or similar public land within the City which is under the control, operation, or management of the City Department of Parks and Recreation. "Recreation area" shall also include the Santa Barbara Zoological Gardens, the Santa Barbara Museum of Art and the Santa Barbara Museum of Natural History.

7. ***Religious Institution.*** "Religious Institution" shall mean any church, synagogue, mosque, temple, or building which is used primarily for religious worship, religious education incidental thereto and related religious activities.

8. ***Residential Zone.*** "Residential Zone" shall mean property which has a zoning designation of RS-1A, RS-25, RS-15, RS-10, RS-7.5, RS-6, R-2, R-M, R-MH, or such other residential zones as may be created by ordinance, or a Mobilehome Park or subdivision or Recreational Vehicle Park as defined in this Title.

9. ***School.*** "School" shall mean any public or private educational facility primarily attended by minors, including but not limited to, large family day care homes, nursery schools, preschools, kindergartens, elementary schools, primary schools, intermediate schools, junior high schools, middle schools, high schools, secondary schools, continuation schools and special education schools. School includes the school grounds, but does not include the facilities used primarily for another purpose and only incidentally as a school.

10. ***Sensitive Uses.*** "Sensitive Uses" shall include public parks, beaches or recreation areas, religious institutions, residential zones and schools.

11. ***Specified Anatomical Areas.*** "Specified Anatomical Areas" shall include the following:

    a. Less than completely and opaquely covered human genitals, pubic region, buttock, anus, or the female breast below a point immediately above the top of the areola; and

    b. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

12. ***Specified Sexual Activities***. "Specified Sexual Activities" shall include the following:

    a. Actual or simulated sexual intercourse, oral copulation and intercourse, oral-anal copulation, bestiality, direct physical stimulation of unclothed genitals, flagellation or torture in the context of sexual relationship, or the use of excretory functions in the context of a sexual relationship, and any of the following sexually oriented acts or conduct: anilingus,

buggery, coprophagy, coprophilia, cunnilingus, fellatio, necrophilia, pederasty, pedophilia, piquerism, sapphism, zooerasty; or

b. Clearly depicted human genitals in a state of sexual stimulation, arousal or tumescence; or

c. Human or animal masturbation, sodomy, oral copulation, coitus, ejaculation; or

d. Fondling or touching of nude human genitals, pubic region, buttocks or female breast; or

e. Masochism, erotic or sexually oriented torture, beating or the infliction of pain; or

f. Erotic or lewd touching, lewd fondling or other lewd contact with an animal by a human being; or

g. Human excretion, urination, menstruation, or vaginal or anal irrigation.

C. **Location of Adult Entertainment Businesses**

1. ***General Restrictions.*** No person shall operate or establish an "adult entertainment business," as defined in this Code, in any area of the City of Santa Barbara, except the C-G zone, M-C zone, or the M-I zone but excluding the El Pueblo Viejo Landmark District as defined in Section 22.22.100B of the Santa Barbara Municipal Code.

2. ***Valid Permits.*** No building permit or zoning clearance, business license, or other permit or entitlement for use shall be legally valid if issued to any adult entertainment business proposed to operate or be established in any area of the City except allowed portions of the C-G zone, M-C zone, or the M-I zone but excluding those areas of the City within the El Pueblo Viejo Landmark District as defined in Section 22.22.100B of the Santa Barbara Municipal Code.

3. ***Locational Restrictions.*** Any adult entertainment business proposed to be operated or established in allowed portions of the C-G zone, M-C zone, or the M-I zone shall be subject to the following restrictions:

a. The establishment or operation of an adult entertainment business shall be subject to the locational criteria setting forth minimum distances from sensitive uses and zones as follows:

i. Residential zone: 500 feet,

ii. Religious institution: 500 feet,

iii. Public park, public beach, recreation area: 500 feet,

iv. School: 500 feet,

v. Another adult entertainment business: 500 feet.

b. For the purposes of this Section, all distances shall be measured in a straight line, without regard for intervening structures, from the nearest exterior wall of the unit or building containing the adult entertainment business to the nearest property line of a sensitive use or zone as listed in this Section.

c. For the purposes of this Section, the distance between any two adult entertainment businesses shall be measured in a straight line, without regard to intervening structures or objects, from the closest exterior wall of the unit or structure in which each business is located.

d. An adult entertainment business may not be operated in the same building, structure, or portions thereof containing another adult entertainment business or use as defined in this Section. Each business defined in 30.185.060.B.1.a-d shall constitute a separate business for purposes of this Section.

D. **Design and Performance Standards.** The establishment or operation of an adult entertainment business shall comply with the applicable site development standards, including, but not limited to, parking, design review, the technical codes adopted pursuant to Section 22.04.010 of the Santa Barbara Municipal Code, and as may be amended from time to time, and the California Fire Code adopted pursuant to Chapter 8.04 of the Santa Barbara Municipal Code, and as may be amended from time to time. An adult entertainment business shall comply with the applicable City of Santa Barbara permit and inspection procedures. In addition, adult entertainment businesses shall comply with the following design and performance standards:

1. Signs, advertisements, displays, or other promotional materials depicting or describing "specified anatomical areas" or "specified sexual activities" or displaying instruments, devices, or paraphernalia which are designed for use in connection with "specified sexual activities" shall not be shown or exhibited so as to be discernible by the public beyond the walls of the building or portion thereof in which the adult entertainment business is conducted.

2. Each adult entertainment business shall have a business entrance separate from any other non-adult business located in the same building.

3. All building openings, entries, and windows for an adult entertainment business shall be located, covered or screened in such a manner as to prevent a view into the interior of an adult entertainment business from any area open to the general public.

4. No adult entertainment business shall be operated in any manner that permits the observation by the public of any material depicting, describing, or relating to "specified sexual activities" or "specified anatomical areas" from any public way or from any location beyond the walls of the building or portion thereof in which the adult entertainment business is conducted.

5. The building entrance to the adult entertainment business shall be clearly and legibly posted with a notice indicating that minors are precluded from entering the premises.

6. No loudspeakers or sound equipment shall be used by adult entertainment businesses for amplification of sound to a level discernible by the public beyond the walls of the building or portion thereof in which the adult entertainment business is conducted.

7. Each adult entertainment business shall be provided with a manager's station which shall be used for the purpose of supervising activities within the business. A manager shall be on duty on the premises during all times that the adult entertainment business is open to the public.

8. Off-street parking shall be provided for the adult entertainment business as specified in accordance with the parking provisions of Chapter 30.175, Parking Regulations.

9. An on-site security program shall be prepared and implemented including the following items:

    a. All off-street parking areas and building entries serving the adult entertainment business shall be illuminated during all hours of operation with a lighting system which provides a minimum maintained horizontal illumination of one footcandle of light on the parking surface or walkway.

    b. All interior portions of the adult entertainment business, except those areas devoted to mini-motion or motion pictures, shall be illuminated during all hours of operation with lighting system which provides a minimum maintained horizontal illumination of not less than two footcandles of light on the floor surface.

E. **Legally Existing Non-Conforming Uses.** Notwithstanding any other provision of this Title, any legally existing adult entertainment business operating on March 1, 1994, not in compliance with the locational requirements in Subsection 30.185.060.C, Location of Adult Entertainment Businesses, may continue as a non-conforming use. The legally non-conforming status of an adult entertainment business shall terminate if voluntarily discontinued for 30 or more consecutive days.

F. **Severance Clause.** If any section, subsection, paragraph, subparagraph or provision of this Section or the application thereof to any person, property or circumstance is held invalid, the remainder of the Section and the application of such to other persons, properties or circumstances shall not be affected thereby.

30.185.070 Agriculture

Agricultural operations shall be located, developed, and operated in compliance with the following standards:

A. **Accessory Buildings.**

1. Accessory buildings used for agricultural purposes shall comply with all standards in Section 30.140.020, Accessory Buildings, unless a Modification is granted pursuant to Chapter 30.250, Modifications.
2. Accessory buildings used for agricultural purposes shall be located a minimum of 100 feet from any property line.
3. The exterior colors and materials shall be earth tones to minimize visibility.
4. Accessory buildings used for agriculture shall be sited so that the building does not intrude into the skyline as seen from a public view unless otherwise approved by the appropriate Design Review body.
5. Accessory buildings used for agriculture shall not be located within any watercourse, or within any watercourse development limitation area.

B. **Storage Requirements.** All flammables, pesticides and fertilizers shall be stored in accordance with all federal, state, and local regulations, including the regulations of the California Fire Code and Santa Barbara County Department of Health Services or successor agency. No pesticides, chemical fertilizers or other hazardous materials shall be stored outside of buildings.

C. **Large Vehicles.** No vehicles in excess of five tons shall be kept, stored or parked on the property, except as necessary for completion of grading performed in accordance with a grading permit issued by the City of Santa Barbara.

D. **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.

E. **Water Meters.** All agricultural operations involving an area of one-half (1/2) acre or greater shall be placed on "Irrigation" water meters, as defined by Title 14 of this Code.

F. **Irrigation Systems.** All new or retrofitted 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.

G. **Vegetation Removal.** A Vegetation Removal Permit may be required to prevent erosion damage, reservoir siltation, denuding, flood hazards, soil loss, and other dangers created by or increased by improper clearing activities, pursuant to Santa Barbara Municipal Code Chapter 22.10, Vegetation Removal.

H. **Lighting.** Exterior lighting shall be for safety purposes only and shall comply with the City of Santa Barbara Outdoor Lighting and Streetlight Design Guidelines.

I. **Hours of Operation.** Hours of operation shall be consistent with Santa Barbara Municipal Code Section 9.16.070.A.

30.185.080 Automated Teller Machines

A. **Location.** Automated Teller Machines (ATMs) are not allowed on lots that are immediately adjacent to residentially zoned lots, where;

1. The ATM is closer than 100 feet of the residentially zoned lot, and either:

   a. Located on an exterior wall of a structure, which wall is visible from the adjacent residential lot, or

   b. Accessible through a door located on a building face visible from an adjacent residential lot which is open other than during normal hours of the business conducted in the building.

B. **Nonconforming ATMs; Amortization Period.** Any ATM existing on the effective date of the ordinance first enacting this Section (Ord. 5072, 1998) and which is located as described in Subsection A shall be either removed, or moved to a location that conforms to the provisions of Subsection A within six years of the date of its original installation. During such six-year period, such ATM must also comply with the following conditions:

1. Such ATM shall not be replaced, improved or upgraded during said period, and

2. Such ATM and associated security lighting shall not be operated between the hours of 10:00 p.m. and 7:00 a.m. daily.

3. An illuminated sign stating the hours of operation of the ATM shall be placed in a location visible to potential users of the ATM, subject to Santa Barbara Municipal Code Chapter 22.70, Sign Ordinance.

30.185.090 Automobile/Vehicle Fueling Stations or Car Washing Facilities

Automobile/Vehicle Fueling Stations or Car Washing Facilities shall be located, developed, and operated in compliance with the following standards:

A. **Lot Size/Frontage.** New Fueling Stations or Car Washing Facilities shall be located on a lot greater than 8,000 square feet in size with a minimum street frontage of 100 feet.

B. **Driveways.**

1. ***New Establishments.*** Driveway entrances shall be located a minimum of 20 feet from the curb return (beginning of curve) at the corner of an intersecting street.

2. ***Existing Establishments.*** Relocation of driveway entrances may be required to minimize interference with the movement and safety of vehicular and pedestrian traffic.

C. **Internal Circulation.** Where access from an internal circulation system of a shopping center or public parking area is available, direct street access to a Fueling Station or Car Washing Facility may be prohibited or restricted.

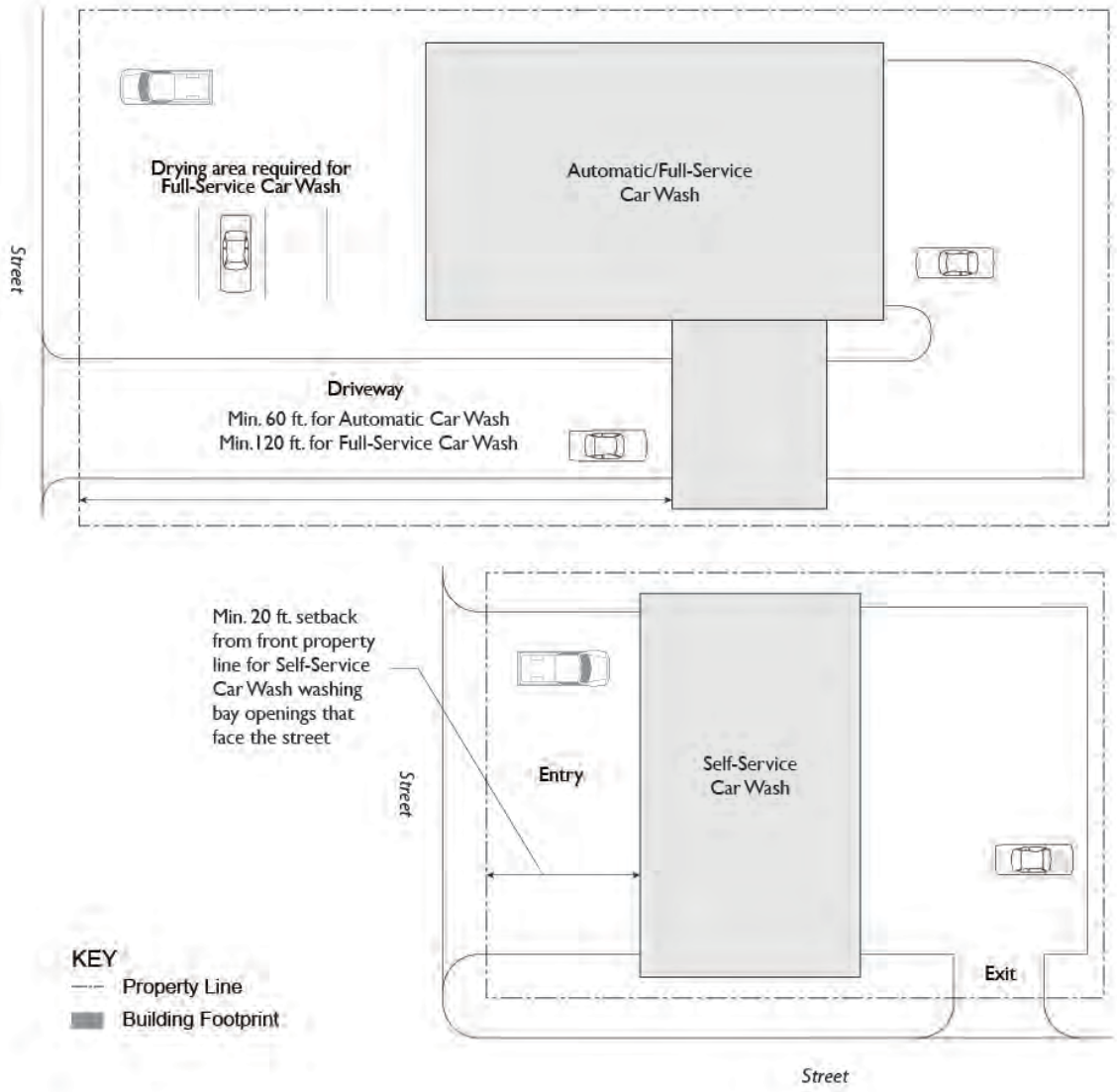
D. **Vehicular Stacking Lanes.** Car Washing Facilities shall provide the following areas for vehicles to minimize interference with vehicular and pedestrian traffic and prevent queuing or double parking in travel lanes.

1. ***Automatic Car Wash.*** Automatic Car Wash Facilities shall have a vehicular stacking lane of either 60 feet or a sufficient length to prevent queuing or double parking in the right-of-way, as determined by the Public Works Director.

2. ***Full-Service Car Wash.*** Full-Service Car Wash Facilities shall have a designated vehicle drying area of sufficient area to accommodate all uses onsite, and a vehicular approach lane of either 120 feet or a sufficient area and length to prevent queuing or double parking in the right-of-way, as determined by the Public Works Director.

3. ***Self-Service Car Wash.*** Car washing bay openings that face the street shall be setback a minimum of 20 feet from the front property line.

FIGURE 30.185.090(.D): CAR WASHING FACILITIES VEHICLE STACKING LANES



E. **Screening**

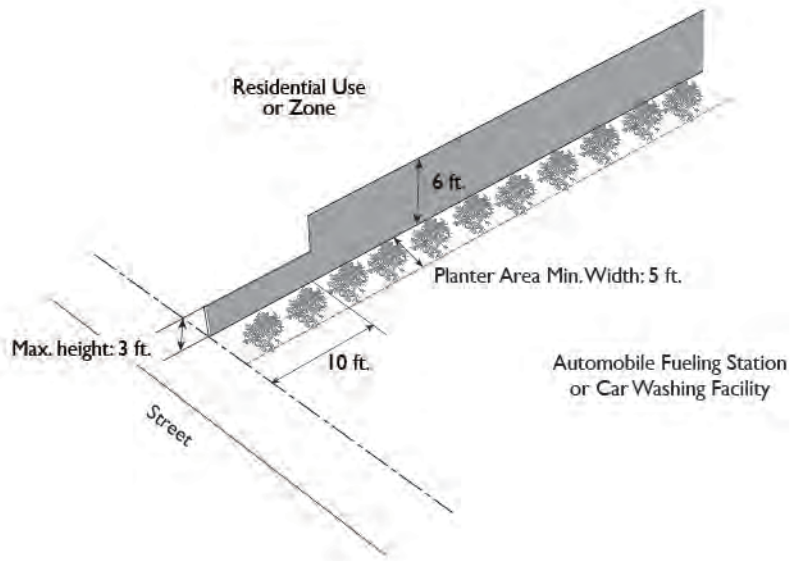
1. ***Restrooms.*** The entrance to all restrooms shall be screened from abutting properties by a decorative screen pursuant to Section 30.15.120, Screening.

2. ***Lot Perimeters.*** An ornamental masonry wall shall be provided along all property lines that abut property used or zoned for residential purposes.

   a. The wall shall be no more than three feet high closer than 10 feet of the front property line, otherwise the wall shall be six feet high.

b. A five-foot-wide planting area shall be provided along the interior side of the wall.

FIGURE 30.185.090(.E): AUTOMOBILE/VEHICLE FUELING STATIONS AND CAR WASHING FACILITIES SCREENING



F. **Landscaping.** Landscaping shall be provided in accordance with Section 30.175.080, Parking Area Landscape and Fence Standards and the following. All landscaped areas shall be permanently maintained pursuant to Chapters 22.11, Maintenance and Approval of Landscape Plans, and 15.24, Preservation of Trees, of the Santa Barbara Municipal Code.

1. A 150-square foot planter area shall be provided at the corner of intersecting streets unless a building is located at the corner.

2. At least 10 percent of the lot area not covered by buildings on the parcel shall be landscaped.

G. **Operations and Storage.**

1. Except in M-C and M-I Zones, all work shall be conducted within an enclosed building except hand vacuuming and hand drying at an automobile/vehicle car washing facility, pumping motor vehicle fluids, checking and supplementing various fluids, and mechanical inspection and adjustments not involving any disassembly.

2. Except in the M-C and M-I Zones, the hours of operation for an automobile wash are limited to 8:00 am to 7:00 pm, or as determined by the Review Authority. All sites shall be secured after hours.

3. The noise due to blowers, vacuums, and other equipment shall not create noise levels that exceed the standards set forth in Chapter 9.16, Noise, of the Santa Barbara Municipal Code.
4. All car washing areas shall be self-contained or covered with a roof or overhang.
5. All materials, products and merchandise shall be stored and displayed within an enclosed building.
6. No used or discarded automotive parts or equipment or visible junk or wrecked vehicles shall be located or stored outside a building.
7. Trash shall be stored in areas hidden from public view by a fence with a minimum height of five feet for carts/cans and seven feet for dumpsters. Trash shall not be stored or piled above the height of the fence.

H. **Review of Architecture and Landscaping.** The architecture of structures and landscaping of the site shall be reviewed and approved by the appropriate Design Review body.

I. **Conditions of Approval.** The Review Authority may impose conditions of approval that include limitations on operational characteristics of the use; restrictions on outdoor storage and display, location of pump islands, canopies, and service bay openings; or requirements for buffering, screening, lighting, planting areas, or other site elements, to avoid adverse impacts on adjacent lots or the surrounding area.

30.185.100 Banks and Financial Institutions in the O-M Zone

Banks and Financial Institutions are allowed in the O-M Zone to allow branch banks as a convenience to the medical community and neighborhood, so that there will be less traffic into the commercial areas for deposits, and as a cash source for patients in the area. It is not the intent to establish a banking community in the area. Banks and Financial Institutions with more than 1,000 square feet of floor area per lot in the O-M Zone are subject to the following standards:

A. **Location.** Banks and Financial Institutions shall be located on a lot that is a minimum of 300 feet from a lot that contains another Bank or Financial Institution.

B. **Customer Area.** There shall not be more than 1,000 square feet of space accessible to customers for services.

C. **Drive-up Window Prohibited.** There shall be no drive-up window, but a walk-up window may be permitted.

D. **Signs.** The signing of the operation shall in a manner as to identify but not advertise, and to blend in with the neighborhood.

E. **Services.** Services are limited to deposits, check cashing, cashier and travelers checks, acceptance of loan applications, and night deposits. Loan applications processing and safety deposit boxes are not allowed.

30.185.110 Cannabis Cultivation

A. **Definitions.** For the purposes of this Section, the following words and phrases shall have the following meanings.

1. "Cannabis" shall have the meaning set forth in California Business and Professions Code section 19300.5(f), the Medical Marijuana Regulation and Safety Act, as it was enrolled in 2015 in A.B. 266.

2. "Cultivation" shall have the meaning set forth in California Business and Professions Code section 19300.5(l) of the Medical Marijuana Regulation and Safety Act, as it was enrolled in 2015 in A.B. 266.

3. "Cultivation site" means a facility where medical cannabis is planted, grown, harvested, dried, cured, graded, or trimmed, or that does all or any combination of those activities.

4. "Personal Medical Use" shall mean non-commercial cannabis cultivation by a qualified patient for their personal use.

5. "Qualified Patient" shall have the meaning set forth in California Health and Safety Code section 11362.7, and shall not include primary caregivers.

B. **Cannabis Cultivation for Personal Medical Use.** A qualified patient is permitted to engage in indoor or outdoor cannabis cultivation for personal medical use on a single contiguous cultivation site, existing in a horizontal plane not exceeding a footprint of 100 square feet in area, in any zone, provided that the parcel is occupied by the qualified patient living in a lawful residential unit, but in no event may more than one cultivation site be permitted at any single lawful residential unit.

C. **Commercial Cannabis Cultivation Prohibited.** Commercial cannabis cultivation for any purpose or use is prohibited in all zones.

D. **All Other Cannabis Cultivation Prohibited.** Except to the extent expressly permitted by this Section, cannabis cultivation of any kind and for any purpose shall not be construed as a permitted agricultural or other use in any zone under this Title.

E. **Permissive Zoning.** For the purposes of California Health and Safety Code section 11362.777(b)(3), the Zoning Ordinance shall be construed as establishing permissive zoning so that cannabis cultivation is permitted only where expressly allowed by this Section.

F. **Nuisance.** Nothing in this Section shall be construed to permit the establishment or maintenance of any use which constitutes a public nuisance.

30.185.120 Caretaker Unit

Caretaker Units shall be located, developed, and operated in compliance with the following standards:

A. **Use Limitations.** The Caretaker Unit must be occupied by the owner, manager or other employee of a primary use on a lot. The caretaker unit may not be converted to

a nonresidential use, including a hotel use or other transient occupancy use, without a permit. With the exception of the owner or manager residence in a Hotel and Extended Stay Hotel, a Caretaker Unit must provide a separate kitchen and bathroom for the sole use of the occupant, even if the primary use contains one or more kitchens, meal service, or a congregate dining facility.

B. **Number.** No lot shall contain more than one Caretaker Unit.

C. **Open Yard.** If the only residential use on the lot is the caretaker unit, private open yard pursuant to Section 30.140.150, Open Yards shall be the only open yard required on the lot.

D. **Setbacks.** The Caretaker Unit shall comply with the same setbacks of the primary use in the applicable zone.

E. **Minimum Unit Size and Configuration.** See 30.140.160, Residential Unit.

30.185.130 Community and Market Gardens

Community and Market Gardens shall be located, developed, and operated in compliance with the following standards.

A. **Purpose.** These regulations encourage Community and Market Gardens at a scale that is appropriate to neighborhoods in an urban environment and support small-scale agricultural use of land that is not otherwise developed. These regulations recognize that Community and Market Gardens can help build a sense of place, provide opportunities for healthy living, and reduce the community's carbon footprint. In addition, these regulations ensure that the uses and activities are compatible with the surrounding area by limiting potential negative effects, particularly in residential neighborhoods.

B. **Management.** A manager shall be designated for each garden who shall serve as liaison between gardeners, property owner(s), and the City.

C. **Hours of Operation.** Gardens shall only be tended between dawn and one-half hour after sunset.

D. **Accessory Buildings.**

1. Accessory buildings, such as sheds, greenhouses, hoophouses, or similar shall comply with all standards of Section 30.140.020, Accessory Buildings.

2. Accessory buildings used for Community and Market Gardens shall not be located in the front yard. If there is no main building on-site, accessory buildings shall be located a minimum of 60 feet from the front property line, or at a distance no less than 60 percent of the depth of the lot from the front property line, whichever is less.

3. Farm stands used for the display and sale of food at a Market Garden shall be considered a main building and subject to all of the standards and regulations of a main building.

4. Market Garden buildings that meet the definition of floor area as defined in Section 30.15.070, Measuring Floor Area, shall count as nonresidential floor area.

E. **Equipment.** Only household garden tools and equipment, applicators and products may be used. This includes, but is not limited to, soil preparation, cultivation, planting, application of chemicals, dust control, harvesting, etc. Pull behind equipment is prohibited.

F. **Operational Plan.** The applicant shall submit an operational plan to the Community Development Director that identifies roles and responsibilities, contact information, and operations. Prior to issuance of a permit, the property owner and applicant shall sign a Zoning Affidavit identifying that they are aware of the operational standards and the penalties associated with any violation.

G. **Size.** The area associated with the activities of the garden is limited to one-half acre in size.

H. **Maintenance.**

1. The operator shall be responsible for the overall maintenance of the site and shall remove weeds, debris, etc. in a timely manner.

2. Soil amendments, composting, and waste material shall be managed and shall not attract nuisance flies or support growth of flies.

I. **Sale of Produce.** The retail sale of food, or value-added food products such as jams and jellies, may be permitted for Market Gardens only. Sales are limited to items that are grown on-site or produced from items that are grown on-site. The preparation of food and beverages for on-site consumption is not permitted.

J. **Composting.** Composting is limited to the materials generated on-site and must be used on-site. Composting shall be located outside of required setbacks and shall be screened pursuant to Section 30.15.120, Screening.

K. **Utilities**. The land shall be served by a water supply sufficient to support the cultivation practices used on the site.

L. **Restrooms.** If proposed, restrooms shall be connected to public utilities. Portable restrooms are not permitted.

M. **Storage Requirements.** All flammables, pesticides and fertilizers shall be stored in accordance with all federal, state, and local regulations, including regulations of the California Fire Code and the Santa Barbara County Department of Health Services or successor agency. No pesticides, chemical fertilizers or other hazardous materials shall be stored outside of buildings.

N. **Animals.** The keeping of bees, raising of rabbits, chickens, and fowl, are subject to all applicable rules and regulations, including setbacks, of Santa Barbara Municipal Code Chapter 6.08, Care and Keeping of Animals, and Chapter 6.28, Bees.

O. **Setbacks.** Buildings, structures, and composting associated with community and market gardens shall comply with the residential setbacks when located in a residential zone and nonresidential setbacks when located in a nonresidential zone.

30.185.140 Community Care Facilities, Residential Care Facilities for the Elderly, and Hospices

Community care facilities, residential care facilities for the elderly, and hospices shall be developed, located, and operated in compliance with the following:

A. **Units with Kitchens.** Community care facilities, residential care facilities for the elderly, and hospices may contain congregate dining facilities or kitchens in individual units.

1. Facilities with kitchens in individual units and no congregate dining facility are subject to the base residential density, open yard, and parking requirements for multi-unit development in the same applicable zone.

2. Facilities with congregate dining facilities are not subject to the base residential density, open yard, and parking standards for multi-unit development in the same applicable zone. In facilities with congregate dining facilities, kitchens in individual units are limited to modular cooking units as follows:

a. *Modular Cooking Unit.* The modular cooking unit shall contain no more than a two-burner stove, oven or microwave oven, single compartment sink, refrigerator, utensil drawer(s), and cabinet(s) in one detachable module. The modular cooking unit shall not be larger than 18 square feet. Dishwashers and garbage disposals shall not be allowed. The modular cooking unit shall not be located in a room separated from other living areas, but could be located in a small recessed opening off other living areas.

B. **Setbacks.** Community care facilities, residential care facilities for the elderly, and hospices, including accessory uses, shall comply with the residential setbacks of the applicable zone, or the mixed-use setbacks if it is a part of a mixed-use development.

C. **Accessory Uses.** Accessory uses that are incidental and accessory to the primary use, such as recreational facilities, skilled nursing, and other facilities may be allowed as follows:

1. ***Facilities with Seven or More Individuals.*** Accessory uses for facilities with 7 or more individuals in the R-S, R-2, R-M and R-MH zones requiring a Performance Standard Permit or Conditional Use Permit may be allowed subject to the project approval. The use of the facilities by persons other than residents and staff may be limited.

2. ***Facilities with 12 or More Individuals.*** Accessory uses for facilities with 12 or more individuals requiring Conditional Use Permit in the O-R, O-M, C-R, C-G, and M-C zones may be allowed subject to the project approval. The use of the facilities by persons other than residents and staff may be limited.

3. ***All Other Facilities.*** Accessory uses for all other facilities are limited to those uses allowed by right in the zone, subject to the regulations of the specific uses and applicable zone and permit requirements for any individual use or component of the project.

4. ***Accessory Uses Open to the Public.*** Accessory uses that are open to the public are considered nonresidential uses for purposes of the Nonresidential Growth Management Program (Chapter 30.170) and shall provide parking pursuant to Table 30.175.040, Required Off-Street Parking Spaces.

D. **Required Findings for Facilities in Residential Zones.** A permit for community care facilities, residential care facilities for the elderly, and hospices serving seven or more individuals and located in a Residential Zone may only be approved if the Review Authority makes the following findings in addition to the findings required pursuant to Chapter 30.215, Conditional Use Permits, or Chapter 30.255, Performance Standard Permits, as applicable, and any other findings required by this Title:

1. The facility conforms to the extent feasible to the type, character and appearance of other residential units in the neighborhood in which it is located. This provision shall not restrict the installation of any special feature(s) necessary to serve residents with special needs (e.g., ramps, lifts, handrails).

2. The intensity of use in terms of number of people, hours of major activities and other operational aspects of the proposed facility is compatible with any neighboring residential use.

30.185.150 Day Care Centers

Day Care Centers are subject to the following standards:

A. **Location of Outdoor Activity Areas.** Outdoor activity areas shall be located in a manner that is compatible with the character of the surrounding area and that minimizes significant detrimental noise impacts to adjacent properties used or zoned residential.

B. **Passenger Loading.** Facilities shall be provided for loading and unloading passengers, subject to the review and approval of the Review Authority taking into consideration the recommendation of the Public Works Director.

30.185.160 Drive-Through Facility

New or expanded drive-through facilities are prohibited. There shall be no new floor area, and no intensification of use on existing structures developed with a drive-through facility. Existing financial institution drive-through facilities may be replaced in kind with automated teller machines provided the number of drive-through lanes does not increase.

30.185.170 Emergency Shelter

In addition to all other development standards applicable within the zone in which the Emergency Shelter is located, an Emergency Shelter shall comply with the following development and management standards:

A. **Capacity.** An Emergency Shelter located within the C-M Zone may provide a maximum of 100 beds and shall serve no more than 100 homeless persons per night. The capacity of an Emergency Shelter in any other zone shall be determined by the Review Authority.

B. **Length of Stay.** A resident of an Emergency Shelter shall not reside in the Emergency Shelter for more than 180 consecutive nights.

C. **Intake/Waiting Area.** An Emergency Shelter shall provide at least 10 square feet of interior intake and waiting space per bed. Intake and waiting areas shall be located within the building.

D. **Outdoor Area/Activity.** Outdoor gathering areas shall be hidden from view or screened pursuant to Section 30.15.120, Screening. An Emergency Shelter shall not allow prospective residents to queue on the public right-of-way or parking areas.

E. **Parking.** An Emergency Shelter shall provide the following parking:

1. One parking space for every eight beds; and
2. One covered and secure bicycle parking space for every four beds.
3. ***Exceptions.*** An Emergency Shelter may propose fewer parking spaces if the Emergency Shelter can demonstrate by a parking study that the proposed parking will satisfy the anticipated parking demand for the project to the satisfaction of the Public Works Transportation Planning Division. In any case, the required parking for an Emergency Shelter shall not be more than that which is required for similar residential or commercial uses within the zone.

F. **Lighting.** Subject to compliance with the Lighting Ordinance (Santa Barbara Municipal Code Chapter 22.75), adequate external lighting shall be provided on-site in order to maintain a safe and secure environment.

G. **Concentration of Uses.** No Emergency Shelter or homeless shelter shall be permitted within 300 feet of another Emergency Shelter or homeless shelter. The distance between shelters shall be measured in a straight line without regard to intervening structures or objects from the nearest point on the property line of one shelter to the nearest point on the property line of the other.

H. **On-Site Management.** On-site management shall be present at all times that the shelter is in operation. A Management Plan for the operation of the Emergency Shelter must be submitted with the master application and shall be subject to approval by the Community Development Department Director. As appropriate, the Management Plan shall address:

1. Hours of operation

2. On-site management and security procedures
3. Neighborhood relations and communication
4. Cooking and dining facilities (for residents only)
5. Shower and laundry facilities (for residents only)
6. Smoking areas and policies
7. Outdoor gathering areas and policies

I. **Ability to Pay.** No individual or household may be denied Emergency Shelter due to an inability to pay.

30.185.180 Garden Apartment Developments

Garden Apartment Developments in the R-2 Zone shall be located, developed, and used in compliance with the following.

A. **Purpose.** The purpose of this Section is to provide greater flexibility in the development of residential properties in order to:

1. Provide greater amenities and open space related thereto when in the public interest and welfare.
2. Encourage creative approaches to the development of land and provide desirable spatial relationships between buildings and structures on the land than would be possible under strict adherence to development standards of the applicable zone.
3. Encourage the preservation and enhancement of natural beauty and the provision of landscaped open areas for visual and recreational enjoyment.

B. **Density.** Density is limited to the maximum density allowed by the applicable zone.

C. **Setbacks.**

1. ***Front Setback.*** There shall be a front setback of not less than 30 feet.
2. ***Interior Setback.*** There shall be interior setbacks of not less than 30 feet.

D. **Lot Area Requirements.**

1. ***Required Site Area.*** Each garden apartment development shall be located on a site of not less than 25,000 square feet of net area.
2. ***Required Lot Area.*** There shall be a minimum of 3,000 square feet of lot area per residential unit.

E. **Units Per Building.** No building shall contain more than eight residential units.

F. **Open Yard.** Open yards in conformance with the requirements for multi-unit residences pursuant to Section 30.140.150, Open Yards, shall be provided on-site.

G. **Required Findings.** A Conditional Use Permit for a Garden Apartment Development shall only be approved if the Planning Commission makes the following findings in addition to the findings required pursuant to Chapter 30.215, Conditional Use Permits, and any other findings required by this Title:

1. The design of the development provides for close visual and physical relationship between residential units.
2. Landscaped open areas dominate the site development and provide substantial usable areas for passive or active recreational use.
3. Public views of the site are provided a sense of landscaped, open areas. Parking areas and building masses do not dominate the public view of the site.

30.185.190 Group Residential

Group residential units shall be developed, located, and operated in compliance with the following:

A. **Density.** Group Residential shall be subject to the base residential density standards of the zone. The number of residential units shall be equal to the number of kitchens located on-site.

B. **Open Yard.** Open yards in conformance with the number of residential units located onsite shall be provided pursuant to Section 30.140.150, Open Yards.

C. **Setbacks.** Group residential shall comply with the residential setbacks of the applicable zone, or the mixed-use setbacks, if the Group Residential use is part of mixed-use development.

D. **Unit Configuration.**

1. ***Access.*** Entry access to all tenant rooms shall be through the interior of the building. No exit doors from individual tenant rooms shall lead directly to the exterior of the building.
2. ***Congregate Dining Facility.*** A congregate dining facility shall be located on-site. No other kitchens are permitted in any room outside the congregate dining facility.
3. ***Bathrooms.*** Each floor must contain at least one fully-equipped bathroom, accessible from a common hallway, for each five beds.

E. **Operational Plan.** The Review Authority may request an operational plan that identifies roles and responsibilities, contact information, and operations. The operational plan may include, but is not limited to, how the applicant shall address the following:

1. On-site staff to provide security, property management, and oversight of resident conduct.
2. Designation of a manager to serve as a liaison with the City.

3. A policy defining resident responsibilities and behavioral expectations as well as response to policy infractions.

F. **Required Findings for Group Residential Development in Residential Zones.** A permit for Group Residential development located in a Residential Zone shall only be approved if the Review Authority makes the following findings in addition to the findings required pursuant to Chapter 30.215, Conditional Use Permits, or Chapter 30.255, Performance Standard Permits, as applicable, and any other findings required by this Title:

1. The development conforms to the extent feasible to the type, character and appearance of other residential units in the neighborhood in which it is located.

2. The intensity of use in terms of number of people, hours of major activities and other operational aspects of the proposed development is compatible with any neighboring residential use.

30.185.200 Home Occupation

A. **Purpose.** The purpose of this Section is to:

1. Permit home occupations as an accessory use to a residence;

2. Allow residents to operate small businesses in their homes, under certain specified standards, conditions, and criteria;

3. Allow for "telecommuting" and reduced vehicle use;

4. Ensure that home occupations are compatible with, and do not have an adverse effect on adjacent and nearby residential properties and uses;

5. Ensure that public and private services, such as streets, sewers, or water or utility systems, are not burdened by the home occupation to the extent that usage exceeds that normally associated with residential use;

6. Allow cottage food operations consistent with State law (Sections 51035 et seq. of the Government Code and Sections 109947, 110050, 110460, 111955, 113789, 113851, 114021, 114023, 114390, 114405, and 114409, 113758, and 114088, and 114365 et seq. of the Health and Safety Code); and

7. Preserve the livability of residential areas and the general welfare of the community.

B. **Zoning Affidavit Required.** A Zoning Affidavit is required for each home occupation. A Zoning Affidavit to conduct a home occupation at a particular address is not transferable from one party to another, nor may the type of business be modified. A new Zoning Affidavit must be obtained for each new home occupation.

C. **Operational and Performance Standards.** Home occupations must be located and operated consistent with the following standards:

1. ***Residential Appearance.*** The residential appearance of the unit within which the home occupation is conducted shall be maintained, and no exterior indication of a home occupation is permitted.
2. ***Location.*** All home occupation activities shall be conducted entirely within the residential unit, or within a garage or accessory building that is reserved for, the residential unit. When conducted within a garage, the doors thereof shall be closed, and the area occupied shall not preclude the use of required parking spaces for parking.
3. ***Structural Alteration Limitation.*** A residence shall not be altered to create an exterior entrance to a space devoted to a home occupation or to create features not customary in residential development.
4. ***Employees.*** No employees other than residents of the residence shall be permitted to work at or from the location of a home occupation except that one full-time equivalent cottage food employee per residential unit may participate in a cottage food operation.
5. ***On-Site Client Contact.*** Limited customer or client visits are permitted up to two people at a time and no more than four visits per day, per residential unit.
6. ***Direct Sales Prohibition.*** Home occupations involving the display or sale of products or merchandise are not permitted from the site except by mail, telephone, internet, or other mode of electronic communication or sales of cottage food products directly from a cottage food operation. A cottage food operation shall not have more than $50,000 in gross annual sales in each calendar year.
7. ***Storage Prohibition.*** On-premise commodity storage is prohibited.
8. ***Equipment.*** Home occupations that involve mechanical or electrical equipment which is not customarily incidental to domestic use shall not be permitted. Cottage food operations may employ kitchen equipment as needed to produce products for which the operation has received registration, provided that equipment would not change the residential character of the unit, result in safety hazards, or create smoke or steam noticeable at the lot line of an adjoining residential property. Venting of kitchen equipment shall not be directed toward neighboring residential uses.
9. ***Hazardous Materials.*** Activities conducted and equipment or materials used shall not change the fire safety or occupancy classifications of the premises, nor use utilities different from those normally provided for residential use. There shall be no storage or use of toxic or hazardous materials other than the types and quantities customarily found in connection with a residential unit.
10. ***Nuisances.*** A home occupation shall be conducted such that no offensive or objectionable noise, dust, vibration, smell, smoke, heat, humidity, glare, refuse, radiation, electrical disturbance, interference with the transmission of communications, interference with radio or television reception, or other hazard or

nuisance is perceptible at or beyond any lot line of the unit or structure within which the home occupation is conducted, or outside the residential unit if conducted in other than a single-unit detached residence.

11. ***Traffic and Parking Generation.*** Home occupations shall not generate a volume of passenger or commercial traffic that is inconsistent with the normal level of traffic on the street on which the residence is located, or which creates the need for additional parking spaces, or involves deliveries to or from the premises in excess of that which is customary for a residential unit.

12. ***Cottage Food Operation Registration.*** Cottage food operations shall be registered as "Class A" or "Class B" cottage food operations and shall meet the respective health and safety standards set forth in Section 114365 et seq. of the California Health and Safety Code.

D. **Prohibited Home Occupations.** The following specific businesses are not permitted as home occupations.

1. Adult Entertainment Facilities;
2. Animal Care, Sales, and Services;
3. Barber Shops and Beauty Parlors
4. Hotels and Similar Uses;
5. Eating and Drinking Establishments;
6. Hospitals and Clinics;
7. Retail Sales; and
8. Any business which requires a City permit or license, except licenses issued for revenue purposes only.

30.185.210 Horse Keeping

The keeping of horses and associated accessory buildings is allowed in any zone subject to the following standards. The keeping of animals other than horses is subject to Santa Barbara Municipal Code Chapter 6.08, Care and Keeping of Animals.

A. **Accessory Use.** Horse keeping shall be accessory to the residential use of the lot and may not be used for commercial purposes.

B. **Minimum Lot Area.** 20,000 square feet.

C. **Allowed Number of Horses.** One per 10,000 square feet of lot area, maximum of five horses.

D. **Setbacks.** Horses, pens, stables, barns, corrals, or other facilities for the keeping of horses shall not be located within any setback and shall be located at least 35 feet from any residential unit or livable floor area and located on an adjoining lot, and shall be

located at least 75 feet from the front property line and any adjoining lot zoned P-R or developed with Public and Semi-Public Uses.

30.185.220 Hotels and Similar Uses

Hotels and Similar Uses shall be located, developed, and used in compliance with the following standards:

A. **All Zones.**

1. ***Guestrooms with Kitchens.*** Guestrooms designed or constructed with kitchens shall be subject to the base residential density standards for the zone; however, they are not considered residential units. For the purposes of this section, a maximum 12 inch by 12 inch bar sink, maximum five foot long counter top, microwave, and mini-fridge are not considered a "kitchen".

2. ***Setbacks.*** Hotels and Similar Uses are subject to the nonresidential setback requirements of the applicable zone.

B. **CO-CAR Zone.** In the CO-CAR Zone, small hotels shall only be permitted upon the issuance of a Conditional Use Permit in the "Small Hotels Allowed & Housing Prohibited" area shown on Figure 30.185.220.B, CO-CAR Zone Small Hotel Area, consistent with the following:

1. ***Limitations.***

   a. A small hotel may not have more than six guestrooms;

   b. The size of each hotel guestroom 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;

   c. A common kitchen/dining/lobby area is allowed but may not be located within a guestroom;

   d. A caretaker unit is allowed with a maximum of 600 square feet of floor area provided that the caretaker 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.

2. ***Required Findings.*** A Conditional Use Permit for a small hotel in the CO-CAR Zone shall only be approved if the Review Authority makes all of the following findings in addition to any other findings required by this Title:

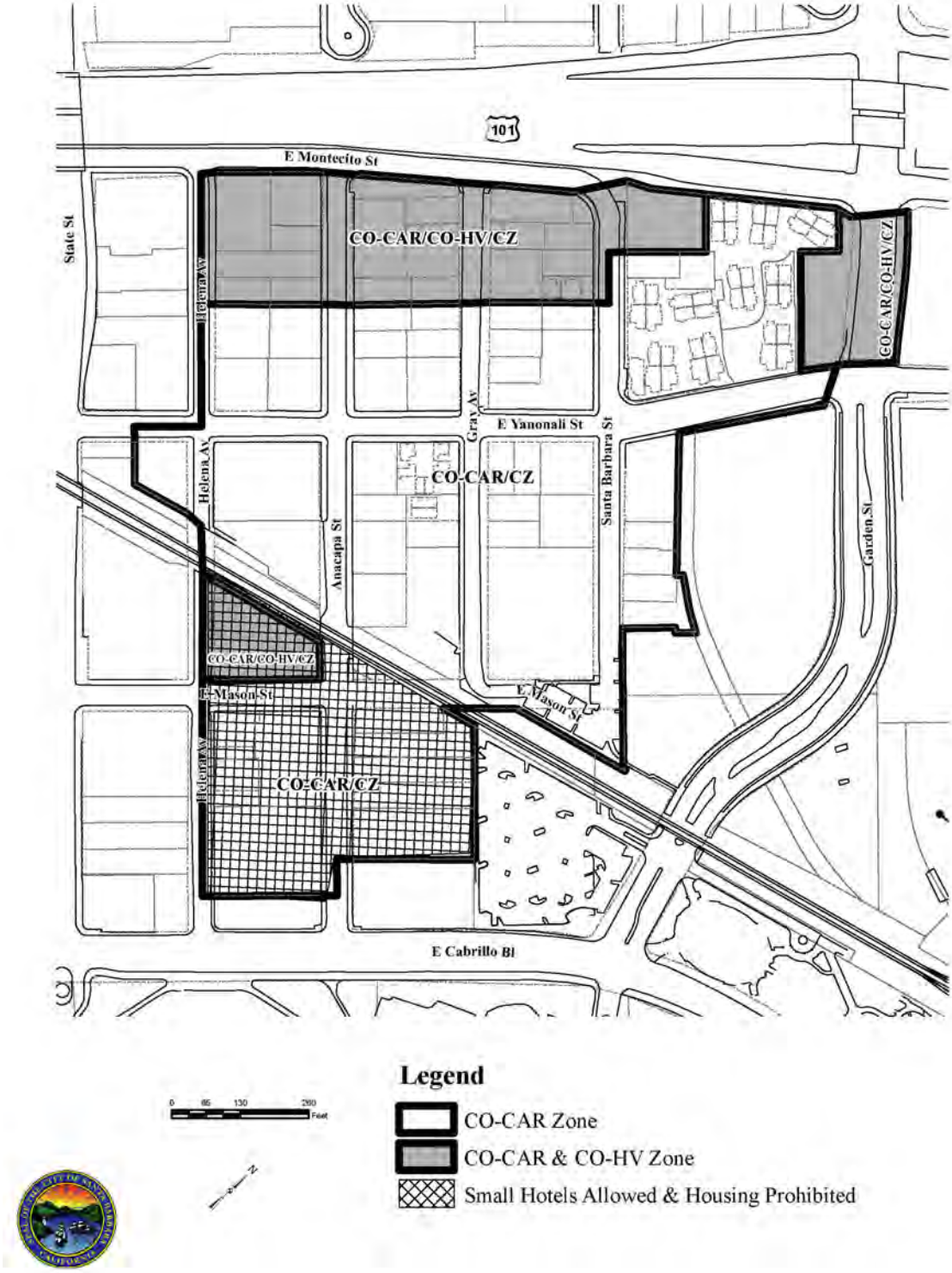
   a. The small hotel will support the goals of the Local Coastal Plan and CO-CAR Zone to promote a vital, mixed-use neighborhood in the Waterfront comprised of a diversity of land uses.

   b. The small hotel is part of a mixed-use project and in a mixed-use setting within a property having pre-existing legal uses or permitted CO-CAR Zone uses.

c. The small hotel is compatible with the surrounding land uses and CO-CAR Zone uses.

d. The small hotel may include a caretaker unit if it is necessary to support the hotel or other improvements on the site.

FIGURE 30.185.220.~~(~~B~~)~~: CO-CAR ZONE SMALL HOTEL AREA



C. **R-M Zone.** Hotels and Similar Uses in the R-M Zone are limited to Hotels and Similar Uses located in Structures of Merit or Landmarks pursuant to Chapter 22.22, Historic Structures, or in another structure on the same lot as a Structure of Merit or Landmark used as a Hotel and Extended Stay Hotel, subject to the following standards.

1. The owner's or manager's primary residence shall be located on the property that contains the Hotel and Extended Stay Hotel.
2. No meals shall be served to persons other than guests and residents of the Hotel and Extended Stay Hotel.
3. No conference or meeting rooms/facilities shall be provided.
4. No new outdoor swimming pool shall be provided; however, outdoor spas, hot tubs or similar facilities may be provided.
5. Other requirements imposed by the Planning Commission in order to ensure compatibility with the surrounding neighborhood.
6. Plans for new structures or alterations to existing structures shall be submitted to the Historic Landmarks Commission for review and action in accordance with the provisions of Chapter 22.22, Historic Structures.

D. **R-MH Zone.** Hotels and Similar Uses and related recreational, conference center and other auxiliary uses primarily for use by hotel guests are permitted uses subject to the following standards.

1. ***Businesses and Restaurants.*** Hotels and Similar Uses designed, constructed or used for either 24 guestrooms with kitchens or 50 or more guestrooms without kitchens may include a business conducted therein for the convenience of the occupants and their guests or a restaurant for use solely by the hotel occupants and their guests.

   a. The entrance to the business or restaurant shall be from the inside of the hotel.

   b. The floor area used for all the businesses and restaurants in the facility shall not exceed 30 percent of the total ground floor area of all the buildings comprising the hotel which are on a single lot or contiguous lots.

   c. No street frontage of any such building shall be used for the business or restaurant.

30.185.230 Large Family Day Care Homes

Large Family Day Care Homes in Residential Zones shall be located, developed, and operated in compliance with the following standards:

A. **Location.** Large Family Day Care Homes shall be located on a lot that is a minimum of 300 feet from a lot that contains another Large Family Day Care Home. The Review Authority may waive the 300-foot spacing requirement if certain physical conditions

exist and the waiver would not result in significant effects on the public peace, health, safety and comfort of the affected neighborhood. Examples of physical conditions that may warrant granting of a waiver include intervening topography that creates a barrier or separation between the facilities such as hillsides or ravines, the presence of major nonresidential uses or structures between facilities or the presence of a major roadway between the facilities.

B. **Outdoor Activities.** Outdoor activities shall be limited to the hours between 8:00 a.m. and 6:00 p.m.

C. **Loading and Unloading.** A plan and schedule for the pick-up and drop-off of children or clients shall be provided for approval by the Review Authority. The plan shall demonstrate that off-street area or on-street area in front of the residence is available for passenger loading and unloading. The passenger loading and unloading area shall be of adequate size and configuration and shall allow unrestricted access to neighboring properties.

D. **Parking.** One additional parking space for employee parking shall be provided unless the Review Authority finds that adequate on-street or off-street parking is available.

30.185.240 Live-Work Units

Joint living and working quarters (Live-Work Units) shall be located, developed, and operated in compliance with the following standards:

A. **Purpose**. This Section provides standards for the development of live-work units, and for the reuse of existing structures to accommodate these units. Live-work units are distinguished from mixed-use development in that business operators are required to live in the same space that contains the business. A live-work unit is intended to function predominantly as living space with incidental accommodations for work-related activities.

B. **Establishment.** Live-work units may be established through the conversion of existing buildings or by new construction, permitted or conditionally permitted, as specified in Division II: Zone Regulations.

C. **Permitted Nonresidential Activity.** The nonresidential activity in a building where live-work units are allowed shall be limited to the following Use Classifications, and must be a use permitted by right or by use permit in the zone, subject to the same specific limitations and standards for specific activities contained in the applicable zone district:

1. Artist Studio
2. Business Services
3. Cultural Institution
4. Custom Manufacturing
5. Day Care Center

6. Food and Beverage Manufacturing, Limited/Small Scale; no food or beverages prepared for on-site consumption
7. Food Preparation; no food or beverages prepared for on-site consumption
8. Funeral Parlors and Internment Services
9. Instructional Services
10. Offices
11. Personal Services
12. Retail Sales
13. Other uses deemed appropriate by the Community Development Director.

D. **Facilities to Accommodate Commercial or Industrial Uses.** A live-work unit shall be designed to accommodate commercial or industrial uses as evidenced by the provision of ventilation, interior storage, flooring, and other physical improvements of the type commonly found in exclusively commercial or industrial facilities used for the same work activity.

E. **Size.** Each live-work unit shall not be greater than 3,000 square feet.

F. **Floor Area.** The nonresidential floor area shall not be more than 50 percent of the area of each live-work unit.

G. **Configuration.** The nonresidential area shall be limited to the first floor or main floor of the live-work unit. The residential and nonresidential areas of the live-work unit shall be integrated, contiguous, and accessible from each other. In order to deter separate residential and nonresidential occupancy, separate exterior entrances to the residential and nonresidential portions are not permitted.

H. **Residential Units.** Maximum density is as allowed for a residential use in the zone in which the live-work unit is located, and subject to the standards for a residential unit, pursuant to 30.140.160, Residential Unit.

I. **Nonresidential Floor Area.** Additions, substantial redevelopment, ~~demolitions,~~ or conversions of nonresidential floor area are subject to Chapter 30.170, Nonresidential Growth Management Program, except where the residential and nonresidential portions of the live-work unit have an open interior connection, with no demising walls that separate the uses, and are located on the same floor of the building.

J. **Setbacks.** Live-work units are subject to the nonresidential/mixed-use setbacks of the applicable zone.

K. **Open Yard.** If the only residential uses on the lot are live-work, residential open yard, pursuant to Section 30.140.150, Open Yards, is not required, except as follows:

1. ***New Construction.*** Private open yard pursuant to Section 30.140.150, Open Yards, shall be provided for each live-work unit on a lot. The open space shall be designed to limit its use for residential purposes only.

2. ***Conversions.*** Any existing on-site open space shall be retained for the use of the residential occupants of the live-work units. The open space shall be designed to limit its use for residential purposes only.

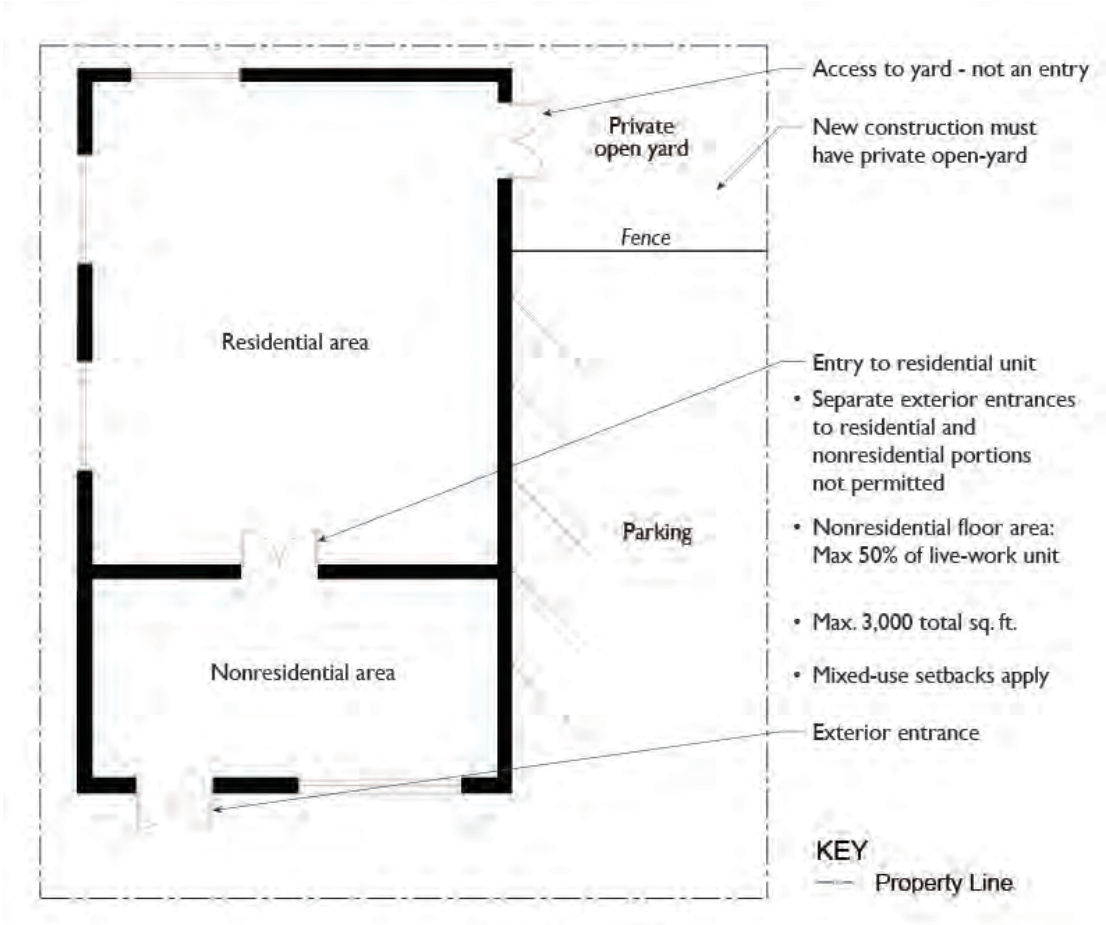
L. **Business License Required.** At least one occupant of each live-work unit shall maintain a current City of Santa Barbara business license for a business located in that unit.

M. **No Separate Sale or Rental of Portions of a Unit.** The residential and the nonresidential areas must be occupied by the same inhabitant, and no portion of the live-work unit may be rented or sold separately.

N. **Maximum Non-Resident Employees.** A maximum of five non-resident workers or employees may work in the nonresidential area at any one time.

O. **Recorded Agreement.** Prior to issuance of a building permit, the property owner shall file with the County Recorder, upon approval by the City Attorney, a Recorded Agreement, pursuant to Chapter 30.260, Recorded Agreements, containing a reference to the deed under which the property was acquired stating that all conditions will be met and any lack of compliance shall revoke the certificate of occupancy for the development.

FIGURE 30.185.240: LIVE-WORK UNIT



30.185.250 Medical Cannabis Dispensaries

A. **Purpose and Intent.** It is the purpose and intent of this Section to regulate the storefront distribution of medical marijuana in order to ensure the health, safety, and welfare of the residents of the City of Santa Barbara. The regulations in this Section, in compliance with the State Compassionate Use Act of 1996 and the State Medical Marijuana Program Act ("the SB 420 statutes"), are not intended and do not interfere with a patient's right to use medical marijuana as authorized under the Compassionate Use Act or the SB 420 statutes, nor do they criminalize the possession or cultivation of medical marijuana by specifically defined classifications of persons, as authorized under the Compassionate Use Act. Under the Compassionate Use Act of 1996 and the SB 420 statutes, only qualified patients, persons with identification cards, and primary caregivers may legally cultivate medical marijuana collectively and provide it to qualified patients or persons with identification cards. Therefore, medical marijuana collectives within the City which choose to operate storefront dispensary locations must comply with all provisions of the Santa Barbara Municipal Code for obtaining a permit for the storefront dispensary as well as complying with the Compassionate Use

Act, the SB 420 statutes, and all other applicable local and state laws. Nothing in this Section purports to permit activities that are otherwise illegal under federal, state, or local laws.

B. **Definitions.** For the purposes of this Section, the following words and phrases shall have the following meanings:

1. ***Applicant.*** A person who is required to file an application for a Medical Marijuana Storefront Collective Dispensary permit under this Section, including an individual owner, managing partner, officer of a corporation, or any other dispensary operator, Management Member, employee, or agent of a Medical Marijuana Storefront Collective Dispensary.

2. ***Drug Paraphernalia.*** As defined in California Health and Safety Code Section 11014.5, and as may be amended from time to time.

3. ***Identification Card.*** As defined in California Health and Safety Code Section 11362.71, and as may be amended from time to time.

4. ***Management Member.*** A Medical Marijuana Collective member with responsibility for the establishment, organization, registration, supervision, or oversight of the operation of a Collective including, but not limited to, members who perform the functions of president, vice president, director, operating officer, financial officer, secretary, treasurer, or manager of the Collective.

5. ***Medical Marijuana Storefront Collective Dispensary or Storefront Collective Dispensary.*** An incorporated or unincorporated association which is composed of four or more Qualified Patients and their designated Primary Caregivers who associate at a particular location or Property within the City in order to collectively or cooperatively cultivate marijuana for medical purposes and who, acting through Management Members, distribute the collectively-cultivated medical marijuana to the members of their Collective at a storefront dispensary located within a nonresidential zone of Santa Barbara, all in accordance with the Compassionate Use Act of 1996 (California Health and Safety Code section 11362.5) and Health and Safety Code sections 11362.7 through 11362.9. For the purposes of this Section, the term "Medical Marijuana cooperative" (or "cooperative") shall have the same meaning as a "Medical Marijuana collective" (or a "collective"), and the term "cooperative" shall have the definition and formation requirements established for it by state law.

   A Storefront Collective Dispensary shall not include the dispensing of medical marijuana by primary caregivers to qualified patients in the following locations so long as the location and operation of the clinic, health care facility, hospice, or residential care facility is otherwise permitted by the Municipal Code and is operated in the manner required by applicable state laws:

   a. a clinic licensed pursuant to Chapter 1 of Division 2 of the state Health and Safety Code,

b. a health care facility licensed pursuant to Chapter Two of Division 2 of the state Health and Safety Code,

c. a residential care facility for persons with chronic life-threatening illness licensed pursuant to Chapter 3.01 of Division 2 of the state Health and Safety Code,

d. residential care facility for the elderly licensed pursuant to Chapter 3.2 of Division 2 of the state Health and Safety Code,

e. a residential hospice or a home health agency licensed pursuant to Chapter 8 of Division 2 of the state Health and Safety Code, provided that any such clinic, health care facility, hospice or residential care facility also fully complies with applicable laws including, but not limited to, the Compassionate Use Act of 1996 and the SB 420 statutes.

6. ***Permittee.*** The Management Member or Members identified to the City by an Applicant as such, and to whom a City Storefront Collective Dispensary permit has been issued, and someone who also qualifies as a primary caregiver.

7. ***Person with an Identification Card.*** A person as described in California Health and Safety Code Section 11362.71 through 11362.76, and as amended from time to time.

8. ***Physician.*** A licensed medical doctor, including a doctor of osteopathic medicine as defined in the California Business and Professions Code.

9. ***Primary Caregiver.*** A person as defined and described in either subdivision (d) or (e) of California Health and Safety Code Section 11362.7 as it may be amended from time to time.

10. ***Property.*** The location or locations within the City at which Medical Marijuana Collective members and Management members associate to collectively or cooperatively cultivate or to distribute Medical Marijuana exclusively to their Collective members.

11. ***Qualified Patient.*** A person as defined and described in California Health and Safety Code Section 11362.5 et seq., and as it may be amended from time to time. For the purposes of this Section, a Qualified Patient shall also include a Person with an Identification Card.

12. ***Reasonable Compensation.*** Compensation commensurate with reasonable wages and benefits paid to employees of federal Internal Revenue Code-qualified nonprofit organizations, which employees have similar job descriptions and duties, as well as a comparable required level of experience and education, similar prior earnings or wage history, and number of hours typically worked per week. The payment of a bonus shall not be considered reasonable compensation.

13. ***School.*** An institution of learning for minors, whether public or private, offering a regular course of instruction required by the California Education

Code. This definition includes an elementary school, middle, or junior high school, senior high school, or any special institution of education for persons under the age of ~~eighteen~~ 18 years, whether public or private.

C. **Storefront Collective Dispensary – Permit Required to Operate.** It shall be unlawful for any person to engage in, to conduct or carry on (or to permit to be engaged in, conducted or carried on) in or upon their Property located within the City, the operation of a Storefront Collective Dispensary unless an Applicant has first obtained and continues to maintain in full force and effect a valid Storefront Collective Dispensary Permit issued by the City for that Property pursuant to this Section

D. **Imposition of Medical Marijuana Storefront Collective Dispensary Permit Fees.** Every application for a Storefront Collective Dispensary Permit shall be accompanied by an application fee (in an amount established by resolution of the City Council) at an amount calculated to recover the City's full cost of reviewing and issuing the Storefront Collective Dispensary Permit) and the filing of a complete required application pursuant to this Section. The application fee shall not include the standard City fees for fingerprinting, photographing, and background check costs and shall be in addition to any other business license fee or permit fee imposed by this Code or other governmental agencies.

E. **Limitations on the Permitted Location of a Storefront Collective Dispensary.**

1. ***Permissible Zoning for Storefront Collective Dispensaries.*** Storefront Collective Dispensaries may only be permitted and located on parcels within the City which are zoned for commercial uses and on those street block faces listed in the exhibit to this Section designated as "Medical Marijuana Storefront Collective Dispensaries – Allowed Locations," dated as of June 22, 2010.

2. ***Storefront Locations.*** Except for those locations shown as allowed within the West Pueblo Medical Area on the exhibit attached to this Section which have been specifically approved by the Staff Hearing Officer as non-storefront locations pursuant to this Section, a Storefront Collective Dispensary shall only be located in a visible storefront type ground-floor location which provides good public views of the Dispensary entrance, its windows, and the entrance to the Storefront Collective Dispensary premises from a public street.

3. ***Commercial Areas and Zones Where Storefront Collective Dispensaries Not Permitted.*** Notwithstanding paragraph (1) above, a Storefront Collective Dispensary shall not be allowed or permitted on a parcel located within 1,000 feet of another permitted or allowed Storefront Collective Dispensary.

4. ***Locational Measurements.*** The distance between a Storefront Collective Dispensary and above-listed restrictions shall be calculated as a straight line from any parcel line of the Property on which the Storefront Collective Dispensary is located to the parcel line the real property on which the facility, building, or structure, or portion of the structure, in which the above-listed use occurs or is located.

For the purposes of determining compliance with the locational restrictions imposed by this Section, the permissibility of a proposed Storefront Collective Dispensary location shall be determined by City staff based on the date the permit application has been deemed complete by the City, with the earliest complete applications deemed to have priority over any subsequent Storefront Collective Dispensary application for any particular permissible location.

5. ***One Collective Dispensary for Each Area of the City.*** No more than one Storefront Collective Dispensary may open or operate in each of the areas of the City designated as allowed or permissible Collective Dispensary location areas in the exhibit attached to this Section, except for those areas which, at the time of the adoption of the ordinance amending this Section, already have more than one Storefront Collective Dispensary on a legal non-conforming basis and which are allowed to continue to operate on a legal non-conforming basis under Section Two of the Ordinance amending this Section in which case a legal non-conforming Dispensary may be allowed to continue to operate in such an area.

6. ***Maximum Number of Medical Marijuana Storefront Collective Dispensaries Allowed Permits.*** Notwithstanding the above, the City may not issue a total of more than three Collective Dispensary permits at any one time and, subject to the amortization allowance period contained within the uncodified portions of the City ordinance adopting amendments to this Chapter, no more than three permitted or allowed Collective Dispensaries may legally operate within the City, including specifically those dispensaries which are open and operating in a legal nonconforming manner at the time of the adoption of the ordinance amending this Section.

F. **Storefront Collective Dispensary – Permit Application Requirements.**

1. ***Application Filing.*** A complete Performance Standard Permit application submittal packet is required for a Storefront Collective Dispensary permit, and it shall be submitted (along with all required fees) and all other information and materials required by this Section in order to file a complete application for a Storefront Collective Dispensary Permit for a specific Property. All applications for Storefront Collective Dispensary permits shall be filed with the Community Development Department using forms provided by the City. It is the responsibility of the Applicant to provide all of the information required for approval of the permit. The application shall be signed by a Management Member under penalty of perjury.

2. ***Eligibility for Filing.*** If a Storefront Collective Dispensary permit application is filed by a non-owner of the Property, it shall also be accompanied by a written affirmation from the Property owner expressly allowing the Applicant and Management Member to apply for the Permit and acknowledging the Applicant's right to use and occupy the Property for the intended Medical Marijuana Storefront Collective Dispensary use.

3. ***Filing Date.*** The filing date of any application shall be the date when the City officially receives the last submission of information or materials required in compliance with the submittal requirements specified herein, and the application has been deemed complete in writing by the City.

4. ***Effect of Incomplete Filing.*** Upon notification that an application submittal is incomplete, the Applicant shall be granted an extension of time to submit all materials required to complete the application within 30 days. If the application remains incomplete in excess of 30) days, the application shall be deemed withdrawn and new application submittal shall be required in order to proceed with the subject request.

5. ***Filing Requirements – Proposed Operational Plan.*** In connection with a permit application, an Applicant for a Storefront Collective Dispensary Permit shall provide a detailed "Operations Plan" for the proposed Dispensary and, upon issuance of the Storefront Collective Dispensary permit by the City, shall operate the Storefront Collective Dispensary in accordance with the Operations Plan, as approved, at all times. A required Operations Plan shall consist of at least the following:

   a. *Site Plan and Floor Plan.* A Storefront Collective Dispensary application shall have a proposed site plan and floor plan which shows a lobby waiting area at the entrance to the Storefront Collective Dispensary used to receive qualified patients or primary caregivers, and a separate and secure designated area for dispensing medical marijuana to qualified patients or designated primary caregiver members of the Collective. The primary entrance shall be located and maintained clear of barriers, landscaping and similar obstructions so that it is clearly visible from public streets, sidewalks or site driveways.

   b. *Storage.* A Storefront Collective Dispensary shall have suitable locked storage on the premises, identified and approved as a part of the operational security plan for the after-hours storage of medical marijuana.

   c. *Security Plans.* A Storefront Collective Dispensary shall provide a plan to provide adequate security on the premises of the Dispensary which shall be maintained in accordance with the Dispensary security plan approved by the Chief of Police and as reviewed by the Staff Hearing Officer. This plan shall include provisions for adequate lighting and alarms in order to ensure the safety of persons and to protect the premises from theft. All security guards used by dispensaries shall be licensed and employed by a state-licensed private-party operator security company retained by the Storefront Collective Dispensary, and each security guard used shall possess a valid state Department of Consumer Affairs "Security Guard Card" at all times. Security guards shall not possess or carry firearms or tazers while working at a Collective Dispensary.

d. *Security Cameras.* The Security Plan shall show how the Property will be monitored at all times by closed-circuit television for security purposes. The camera and recording system must be of adequate quality, color rendition and resolution to allow the ready identification of an individual on or adjacent to the Property. The recordings shall be maintained at the Property for a period of not less than 30 days.

e. *Alarm Systems.* The Operations Plan shall provide that professionally monitored burglary and fire alarm systems shall be installed, and such systems shall be maintained in good working condition within the Storefront Collective Dispensary at all times.

f. *Emergency Contact.* An Operations Plan shall provide the Chief of Police with the name, cell phone number, and facsimile number of a Management Member to act as an on-site community relations staff person to whom the City may provide notice of any operating problems associated with the Storefront Collective Dispensary.

g. *Public Nuisance.* The Operations Plan shall provide for the Management Members of the Collective Dispensary to take all reasonable steps to discourage and correct objectionable conditions that constitute a public or private nuisance in parking areas, sidewalks, alleys and areas surrounding the premises and adjacent properties during business hours, if directly related to the patrons of the subject Storefront Collective Dispensary.

h. *Loitering Adjacent to a Dispensary.* The Operations Plan shall provide that the Management Members will take all reasonable steps to reduce loitering by Collective members in public areas, sidewalks, alleys and areas surrounding the Property and adjacent premises during the business hours of the Storefront Collective Dispensary.

i. *Trash, Litter, Graffiti.* The Operations Plan shall provide that the Management Members will keep an area which includes the sidewalks adjoining the Dispensary plus 10 feet beyond property lines (as well as any parking lots under the control of the Dispensary) clear of litter, debris, and trash.

j. *Removal of Graffiti.* The Operations Plan shall provide a method for the Management Members to promptly remove all graffiti from the Property and parking lots under the control of the Collective within 72 hours of its appearance.

6. ***Filing Requirements – Information Regarding Storefront Collective Dispensary Management.*** A Storefront Collective Dispensary Applicant shall also provide the following Management Member and Collective information as part of a Storefront Collective Dispensary application:

a. The name, address, telephone number, title and function(s) of each Management Member;

b. For each Management Member, a fully legible copy of one valid government-issued form of photo identification, such as a state driver's license or identification card. Acceptable forms of government-issued identification include, but are not limited to, driver's license or photo identity cards issued by the state Department of Motor Vehicles (or equivalent) that meet REAL ID benchmarks, a passport issued by the United States or by a foreign government, U.S. Military ID cards (active duty or retired military and their dependents) or a Permanent Resident card.

c. Written confirmation as to whether the Collective or a Management Member of the Collective previously operated in this or any other county, city or state under a similar license or permit, and whether the Collective or Management Member Applicant ever had such a license or permit revoked or suspended and the reason(s) therefore.

d. If the Collective is a corporation or a cooperative, a certified copy of the Collective's Secretary of State Articles of Incorporation, Certificate(s) of Amendment, Statement(s) of Information and a copy of the Collective's By Laws;

e. If the Collective is an unincorporated association, a copy of the articles of association;

f. The name and address of the Applicant's or Collective's current designated Agent for Service of Process;

g. A statement dated and signed by each Management Member of the Collective, under penalty of perjury, that the Management Member has personal knowledge of the information contained in the Dispensary Application, that the information contained therein is true and correct, and that the application has been completed under the supervision of the identified Management Member(s);

h. Whether edible medical marijuana products will be prepared and distributed at the proposed Dispensary Property; and

i. The Property location or locations where any and all medical marijuana will be collectively cultivated by the Collective members and Management Members.

G. **Criteria for Review of Collective Dispensary Applications by the City Staff Hearing Officer.**

1. ***Decision on Application.*** Upon an application for a Storefront Collective Dispensary permit being deemed complete, the Staff Hearing Officer shall ei-

ther issue a Storefront Collective Dispensary permit, issue a Storefront Collective Dispensary permit with conditions in accordance with this Section, or deny a Storefront Collective Dispensary permit.

2. ***Criteria for Issuance.*** The Staff Hearing Officer, or the City Council on appeal, shall consider the following criteria in determining whether to grant or deny a Medical Marijuana Storefront Collective Dispensary permit:

   a. That the Collective Dispensary permit and the operation of the proposed Dispensary will be consistent with the intent of the Compassionate Use Act of 1996 and the SB 420 Statutes for providing medical marijuana to qualified patients and primary caregivers, and with the provisions of this Section and the Municipal Code, including the application submittal and operating requirements herein.

   b. That the proposed location of the Storefront Collective Dispensary is not identified by the City Chief of Police as an area of increased or high crime activity.

   c. For those applicants who have operated other Storefront Collective Dispensaries within the City, that there have not been significant numbers of calls for police service, crimes or arrests in the area of the applicant's former location.

   d. That issuance of a Collective Dispensary permit for the Collective Dispensary size requested is appropriate to meet needs of the community for access to medical marijuana.

   e. That issuance of the Collective Dispensary permit would serve needs of City residents within a proximity to this location.

   f. That the location is not prohibited by the provisions of this Section or any local or state law, statute, rule, or regulation, and no significant nuisance issues or problems are likely or anticipated, and that compliance with other applicable requirements of the City's Zoning Ordinance will be accomplished.

   g. That the Dispensary's Operations Plan, its site plan, its floor plan, the proposed hours of operation, and a security plan have incorporated features necessary to assist in reducing potential crime-related problems and as specified in the operating requirements section. These features may include, but are not limited to, security on-site; procedure for allowing entry; openness to surveillance and control of the premises; the perimeter, and surrounding properties; reduction of opportunities for congregating and obstructing public ways and neighboring property; illumination of exterior areas; and limiting furnishings and features that encourage loitering and nuisance behavior.

h. That all reasonable measures have been incorporated into the Dispensary security plan or consistently taken to successfully control the establishment's patrons' conduct resulting in disturbances, vandalism, crowd control inside or outside the premises, traffic control problems, marijuana use in public, or creation of a public or private nuisance, or interference of the operation of another business.

i. That the Storefront Collective Dispensary is likely to have no potentially adverse effect on the health, peace, or safety of persons living or working in the surrounding area, overly burden a specific neighborhood, or contribute to a public nuisance, and that the Dispensary will generally not result in repeated nuisance activities including disturbances of the peace, illegal drug activity, marijuana use in public, harassment of passerby, excessive littering, excessive loitering, illegal parking, excessive loud noises, especially late at night or early in the morning hours, lewd conduct, or police detentions or arrests.

j. That any provision of the Municipal Code or condition imposed by a City-issued permit, or any provision of any other local or state law, regulation, or order, or any condition imposed by permits issued in compliance with those laws, will not be violated.

k. That the Applicant has not made a false statement of material fact or has omitted to state a material fact in the application for a permit.

l. That the Applicant has not engaged in unlawful, fraudulent, unfair, or deceptive business acts or practices with respect to the operation of another business within the City.

H. **Ongoing Management Requirements for Medical Marijuana Storefront Collective Dispensaries.** Storefront Collective Dispensary operations shall be maintained and managed on a day-to-day basis only in compliance with the following operational standards and requirements:

1. ***Criminal History.*** A Storefront Collective Dispensary permittee, including all Management Members of that permittee, shall not have been convicted of a felony or be on probation or parole for the sale or distribution of a controlled substance and shall remain free of such a conviction or probation during the period of time in which the Storefront Collective Dispensary is being operated.

2. ***Minors.*** It shall be unlawful for any Storefront Collective Dispensary permittee, a Management Member of the permittee, or any other person effectively in charge of any Storefront Collective Dispensary to employ any person who is not at least 18 years of age. Persons under the age of 18 years shall not be allowed on the premises of a Medical Marijuana Collective Dispensary unless they are a qualified patient member of the Collective and they are accompanied by a parent or guardian at all times. The entrance to a Storefront Collective Dispensary shall be clearly and legibly posted with a notice indicating that persons under the age of 18 are precluded from entering the premises unless they

are a qualified patient member of the Collective and they are in the presence of their parent or guardian.

3. ***Storefront Collective Dispensary Size and Access.*** The following access restrictions shall apply to all Storefront Collective Dispensaries permitted by this Section:

   a. A Storefront Collective Dispensary shall not be enlarged in size (i.e., increased floor area) without prior review and approval of the change from the Staff Hearing Officer and an approved amendment to the existing Storefront Collective Dispensary permit pursuant to the requirements of this Section.

   b. An expressly designated Management Member or Members shall be responsible for monitoring the Property of the Storefront Collective Dispensary for any nuisance activity (including the adjacent public sidewalk and rights-of-way) which may occur on the block within which the Storefront Collective Dispensary is operating.

   c. Only Collective members as primary caregivers or qualified patients shall be permitted within a Storefront Collective Dispensary building for the purposes of cultivating, processing, distributing, or obtaining medical marijuana.

   d. A qualified patient or a primary caregiver shall not visit a Storefront Collective Dispensary without first having obtained a valid written recommendation from their licensed physician recommending the use of medical marijuana or, in the case of a primary caregiver, without first having been expressly designated a primary caregiver to a qualified patient as required by the Compassionate Use Act.

   e. A qualified patient or primary caregiver may not obtain medical marijuana upon their first in-person visit to a Storefront Collective Dispensary and, instead, may only become a member of the Collective at the first visit to a particular Dispensary. Upon joining the Collective, a registered member of a Collective may obtain medical marijuana as a qualified patient or primary caregiver only after an initial waiting period of 24 hours after their initial in-person visit to the Dispensary for the purposes of joining the Collective.

   f. Only a primary caregiver and qualified patient members of the Collective Dispensary shall be allowed within the designated marijuana dispensing area of a Storefront Collective Dispensary (as shown on the site plan required by the Application) along with only necessary Management Members.

   g. Restrooms within the Storefront Collective Dispensary shall remain locked and under the control of Collective Dispensary Management Members at all times.

4. ***Medical Marijuana Dispensing Operations.*** The following medical marijuana distribution restrictions and conditions shall apply to all of the day-to-day medical marijuana dispensing operations which occur within a City-permitted Storefront Collective Dispensary:

   a. A Storefront Collective Dispensary shall only dispense to qualified patients or primary caregivers with a currently valid physician's approval or recommendation in compliance with the criteria of the Compassionate Use Act of 1996 and the SB 420 Statutes to those persons who are registered as active members of that Collective, and may do so only during storefront dispensary operating hours of between 8:00 a.m. through 6:00 p.m., Monday through Saturday only. The days and hours of the dispensary's operation shall be posted in a sign located on the street frontage of the dispensary premises in a manner consistent with the City's Sign Ordinance. Storefront Collective Dispensaries shall require such persons receiving medical marijuana to provide valid official identification, such as a Department of Motor Vehicles driver's license or State Identification Card, each time they seek to obtain medical marijuana.

   b. Prior to dispensing medical marijuana, a Management Member of the Storefront Collective Dispensary shall obtain a re-verification from the recommending physician's office personnel that the individual requesting medical marijuana is or remains a qualified patient or a primary caregiver.

   c. A Storefront Collective Dispensary shall not have a physician on-site to evaluate patients and provide a Compassionate Use Act recommendation for the use of medical marijuana.

   d. Every Storefront Collective Dispensary shall display, at all times during its regular business hours, the permit issued pursuant to the provisions of this Section for such Collective Dispensary in a conspicuous place so that the same may be readily seen by all persons entering the Storefront Collective Dispensary.

   e. No Storefront Collective Dispensary shall hold or maintain a license from the State Division of Alcoholic Beverage Control for the sale of alcoholic beverages, or operate a business on the premises of the Dispensary that sells alcoholic beverages. No alcoholic beverages shall be allowed or consumed on the premises.

   f. Storefront Collective Dispensaries shall be considered a commercial use relative to the parking requirements imposed by Chapter 30.175, Parking Regulations.

   g. A notice shall be clearly and legibly posted in the Storefront Collective Dispensary indicating that smoking, ingesting, or consuming marijuana on the premises or in the vicinity of the Dispensary is prohibited. Signs

on the premises shall not obstruct the entrance or windows. Address identification shall comply with Fire Department illuminated address sign requirements.

h. Business identification signage for Storefront Collective Dispensaries shall comply with the City's Sign Ordinance (Santa Barbara Municipal Code Chapter 22.70) and be limited to that needed for identification only, consisting of a single window sign or wall sign that shall not exceed six square feet in area or 10 percent of the window area, whichever is less.

5. ***Dispensary Medical Marijuana On-Site Consumption and Re-Distribution Restrictions.*** The following medical marijuana consumption restrictions shall apply to all permitted Storefront Collective Dispensaries:

a. Medical marijuana shall not be consumed by qualified patients on the Property or on the premises of the Storefront Collective Dispensary.

The term "premises" includes the actual building, as well as any accessory structures, parking lot or parking areas, or other surroundings within 200 feet of the Collective Dispensary's entrance. Collective Dispensary Management Member employees who are qualified patients may consume marijuana within the enclosed building area of the premises, provided such consumption occurs only via oral consumption (i.e., eating only) but not by means of smoking or vaporization.

b. Storefront Collective Dispensary operations shall not result in illegal re-distribution or sale of medical marijuana obtained from the Collective Dispensary, or the use or distribution in any manner which violates state law.

6. ***Retail Sales of Other Items by a Storefront Collective Dispensary.*** The retail sales of related marijuana use items at a Storefront Collective Dispensary may be allowed only under the following circumstances:

a. With the approval of the Staff Hearing Officer, a Collective Dispensary may conduct or engage in the commercial sale of specific products, goods, or services (except drug paraphernalia) in addition to the provision of medical marijuana on terms and conditions consistent with this Section and applicable law.

b. No Collective Dispensary shall sell or display for sale any drug paraphernalia or any implement that may be used to administer medical marijuana.

7. ***Storefront Collective Dispensary – Compliance with the Compassionate Use Act of 1996 and SB 420 Statutes.***

   a. *State Law Compliance Warning.* Each Collective Dispensary shall have a sign posted in a conspicuous location inside the Storefront Collective Dispensary advising the public of the following:

      i. The diversion of marijuana for non-medical purposes is a criminal violation of state law.

      ii. The use of marijuana may impair a person's ability to drive a motor vehicle or operate heavy machinery.

      iii. The sale of marijuana and the diversion of marijuana for non-medical purposes are violations of state law.

   b. *Not-For-Profit Operation of the Storefront Collective Dispensary.* No Medical Marijuana Storefront Collective Dispensary shall operate for profit. Cash and in-kind contributions, reimbursements, and reasonable compensation for services provided by Management Members and Collective Members toward the Collective's actual expenses for the growth, cultivation, processing, and provision of Medical Marijuana to qualified patients of the Collective shall be allowed, provided that such reimbursements are in strict compliance with the applicable provisions of the SB 420 Statutes. All such cash and in-kind reimbursement amounts and items shall be fully and properly documented in the financial and accounting records of the Collective Dispensary in accordance with and as required by the recordkeeping requirements of this Section.

   c. *Cultivation of Medical Marijuana by the Collective.* The collective cultivation of medical marijuana shall be limited to the Collective Members and Management Members. Cultivation of medical marijuana by the Collective Members and the Management Members shall occur exclusively within the boundaries of the counties of Santa Barbara, Ventura, or San Luis Obispo and only at the real property identified for such cultivation on the approved Storefront Collective Dispensary Permit application.

      No cultivation of medical marijuana at any Property where the marijuana will be visible with the un-aided eye from any public or other private property, nor shall cultivated medical marijuana or dried medical marijuana be visible from the building exterior on the Property. No cultivation shall occur at the Property of the Collective unless the area devoted to the cultivation is secured from public access by means of a locked gate and any other security measures necessary to prevent unauthorized entry.

   d. *Distribution of Medical Marijuana Within Santa Barbara Only.* Distribution of the medical marijuana collectively cultivated by some Collective

Members to other Collective Members shall occur exclusively within the boundaries of the city of Santa Barbara and only at the real property identified as the permitted Dispensary location on the approved Storefront Collective Dispensary Permit application.

e. *Membership Limited to One Collective.* Membership in a Collective which operates a Storefront Collective Dispensary within the City shall be limited to one Collective per qualified patient or primary caregiver. Each Collective shall also consist only of individuals residing within Santa Barbara County, as the term "principal residence" is defined in the federal Internal Revenue Code.

8. ***Maintenance of Appropriate Collective Records Regarding Cultivation and Compliance with the SB 420 Statutes.***

a. *Cultivation Records.* Every permitted Storefront Collective Dispensary shall maintain on-site (i.e., at the Property designated for the operation of the Storefront Collective Dispensary) the medical marijuana cultivation records of the Collective. These records shall be signed under penalty of perjury by each Management Member responsible for the cultivation and shall identify the location or locations within the counties of Santa Barbara, Ventura, or San Luis Obispo at which the Collective's medical marijuana is being cultivated. Such records shall also record the total number of marijuana plants cultivated or stored at each cultivation location. The Storefront Collective Dispensary shall also maintain an inventory record documenting the dates and amounts of medical marijuana cultivated or stored at the Dispensary Property, if any, as well as the daily amounts of Medical Marijuana distributed from the permitted Dispensary.

b. *Membership Records.* Every Storefront Collective Dispensary shall maintain full and complete records of the following membership information: a. the full name, date of birth, residential address, and telephone number(s) of each Collective Member and Management Member; b. the date each Collective Member and Management Member joined the Collective; c. the exact nature of each Collective Member's and Management Member's participation in the Collective; and d. the current status of each member and Management Member as a Qualified Patient or Primary Caregiver.

c. *Financial Records.* The Collective Dispensary shall also maintain a written accounting record or ledger of all cash, receipts, credit card transactions, reimbursements, (including any in-kind contributions), and any and all reasonable compensation for services provided by the Management Members or other members of the Collective, as well as records of all operational expenditures and costs incurred by the Store-

front Collective Dispensary in accordance with generally accepted accounting practices and standards typically applicable to business records.

d. *Dispensary Record Retention Period.* The records required above by subparagraphs a., b., and c. of this subsection shall be maintained by the Medical Marijuana Collective Dispensary for a period of three years and shall be made available to the City upon a written request, subject to the authority set forth in Section 30.185.250.I, City Access to and Inspection of Required Storefront Collective Dispensary Records.

I. **City Access to and Inspection of Required Storefront Collective Dispensary Records.**

1. A duly designated City Police Department or Community Development Department representative may enter and shall be allowed to inspect the premises of every Storefront Collective Dispensary as well as the financial and membership records of the Collective required by this Section between the hours of 8:00 a.m. and 6:00 p.m., or at any appropriate time to ensure compliance and enforcement of the provisions of this Section, except that the inspection and copying of the private medical records of a Collective Member shall be made available to the Police Department only pursuant to a properly executed search warrant or inspection warrant by a court of competent jurisdiction, or a court order for the inspection of such records.

2. It shall be unlawful for any property owner, landlord, lessee, Medical Marijuana Collective Dispensary Member or Management Member or any other person having any responsibility over the operation of the Storefront Collective Dispensary to refuse to allow, impede, obstruct or interfere with an inspection of the Storefront Collective Dispensary or the required records thereof.

J. **Sale, Distribution, or Exchange of Medical Marijuana with a Non-Medical Marijuana Collective Member.**

1. ***Transfers to or from a Non-Collective Member.*** A Storefront Collective Dispensary, including the Management Member operating the Dispensary, shall not cause or permit the sale, distribution, or exchange of medical marijuana or of any edible medical marijuana product to any non-Collective Member or Management Member. No Storefront Collective Dispensary shall possess medical marijuana that was not collectively cultivated by its Management Members or members either at the Property designated for the cultivation or at its prior location allowed in accordance with this Section.

2. ***Assistance for Edible Marijuana Products.*** Sales of edible medical marijuana products may be permitted at a Storefront Collective Dispensary and an individual or business within the City which assists a Dispensary in preparing and processing such a product will be deemed by the City as an "individual who provides assistance to a qualified patient or person with an identification card, or their designated primary caregiver, in administering medical marijuana

to a qualified patient …" as that phrase is used in state Health and Safety Code section 11362.765(b)(3).

K. **Appeal from Staff Hearing Officer Determination.** An applicant or any interested party who disagrees with the Staff Hearing Officer's decision to issue, issue with conditions, or to deny or revoke a Storefront Collective Dispensary permit may appeal the decision pursuant to Section 30.205.150, Appeals.

L. **Suspension and Revocation by Staff Hearing Officer.**

1. ***Authority to Suspend or Revoke a Storefront Collective Dispensary Permit.*** Consistent with Section 30.205.140, Revocation of Permits, any Storefront Collective Dispensary permit issued under the terms of this Section may be suspended or revoked by the Staff Hearing Officer if it shall appear to that Officer that the Dispensary permittee has violated any of the requirements of this Section, or the Dispensary is being operated in a manner which violates the operational requirements or operational plan required by this Section, or it is operated in a manner which conflicts with state law.

2. ***Annual Review of Collective Dispensary Operations.*** The staff of the Community Development Department and the Police Department are hereby authorized to conduct an annual review of the operation of each permitted Storefront Collective Dispensary within the City for full compliance with the operational and recordkeeping requirements of this Section, including specifically, annual verification that all persons employed or volunteering at the Storefront Collective Dispensary have not been convicted of or on probation for a crime related to the possession, sale, or distribution of controlled substances. A fee in an amount established by resolution of the City Council may be established in order to reimburse the City for the time involved in the annual review process. The staff may initiate a permit suspension or revocation process for any Storefront Collective Dispensary which, upon completion of an annual review, is found not to be in compliance with the requirements of this Section or which is operating in a manner which constitutes a public nuisance.

3. ***Suspension or Revocation – Written Notice.*** Except as otherwise provided in this Section, no permit shall be revoked or suspended by the Staff Hearing Officer under the authority of this Section until written notice of the intent to consider revocation or suspension of the permit has been served upon a Management Member or the person to whom the permit was granted at least ten days prior to the date set for such review hearing. Such revocation or suspension notice shall state the specific reasons for the proposed suspension or revocation and must have been provided to the permittee in writing prior to the hearing. Such notice shall contain a brief statement of the grounds to be relied upon for revoking or suspending such permit. Notice may be given either by personal delivery to the permittee, or by depositing such notice in the U.S. mail in a sealed envelope, postage prepaid (via regular mail and return receipt requested), addressed to the person to be notified at their address as it appears in their application for a Storefront Collective Dispensary permit.

M. **Transfer of Collective Dispensary Permits.**

1. ***Permit – Site Specific.*** A permittee shall not operate a Storefront Collective Dispensary under the authority of a Storefront Collective Dispensary permit at any place other than the address of the Collective Dispensary stated in the application for the permit. All Collective Dispensary permits issued by the City pursuant to this Chapter shall be non-transferable to a different location.

2. ***Transfer of a Permitted Collective Dispensary.*** A permittee shall not transfer ownership or control of a Storefront Collective Dispensary or attempt to transfer a Collective Dispensary permit to another person unless and until the transferee obtains an amendment to the permit from the Staff Hearing Officer pursuant to the permitting requirements of this Section stating that the transferee is now the permittee. Such an amendment may be obtained only if the transferee files an application with the Community Development Department in accordance with all provisions of this Section accompanied by the required transfer review application fee.

3. ***Request for Transfer with a Revocation or Suspension Pending.*** No Storefront Collective Dispensary permit may be transferred (and no permission for a transfer may be issued) when the Community Development Department has notified the permittee in writing that the permit has been or may be suspended or revoked for non-compliance with this Section and a notice of such suspension or revocation has been provided.

4. ***Transfer without Permission.*** Any attempt to transfer a Storefront Collective Dispensary permit either directly or indirectly in violation of this Section is declared void, and the permit shall be deemed revoked.

N. **Medical Marijuana Vending Machines.** No person shall maintain, use, or operate a vending machine which dispenses marijuana to a qualified patient or primary caregiver unless such machine is located within the interior of a duly permitted Collective Dispensary.

O. **Business License Tax Liability.** An operator of a Storefront Collective Dispensary shall be required to apply for and obtain a Business Tax Certificate pursuant to Chapter 5.04 as a prerequisite to obtaining a Storefront Collective Dispensary permit pursuant to the terms of this Section. When and as required by the State Board of Equalization, Storefront Collective Dispensary transactions shall be subject to sales tax in a manner required by state law.

EXHIBIT A TO ORDINANCE NO. 5526

MEDICAL MARIJUANA DISPENSARIES

SANTA BARBARA MUNICIPAL CODE SECTION 30.185.250

ALLOWED LOCATION EXHIBIT

DATED AS OF JUNE 22, 2010

Outer State Street Area:

- 3400 - 3900 blocks of State Street
- All parcels on south La Cumbre Road
- All parcels on south La Cumbre Lane
- All parcels on La Cumbre Plaza Lane
- 00-100 blocks of South Hope Avenue

Upper De la Vina Area:

- 2600 - 2900 blocks of De la Vina Street

Mission Street Area:

- 1900-2000 blocks of De la Vina Street
- 100 block of West Mission Street
- 1800 block of State Street
- 1400 block of Chapala Street

Milpas Street:

- 00-400 blocks of North Milpas Street

West Pueblo Medical Facility Area:

- 200 block of Nogales Avenue
- 200-400 blocks of West Pueblo Street
- 2400-2500 blocks of Bath Street
- 2300 block of Castillo Street
- 300 block of West Junipero Street

30.185.260 Medical Equipment Supply Stores

Medical equipment supply stores with more than 3,000 square feet of floor area in the O-M Zone are subject to the following standards.

A. **Non-Medically Related Sales.** A portion of the space may be used for non-medically related sales provided that the floor area of non-medically related use is set forth in the Performance Standard Permit approval.

B. **Required Finding.** The Review Authority shall not approve the Performance Standard Permit unless it makes the following finding in addition to the findings required

pursuant to Chapter 30.255, Performance Standard Permits, as applicable, and any other findings required by this Title:

1. The use is supportive and directly related to the providing of medical and related services.

30.185.270 Mobilehomes, Recreational Vehicles, and Modular Units, Individual Use

Recreational Vehicles, Mobilehomes, and Modular Units shall be located, developed, and used in compliance with the following standards:

A. **Residential Use**

1. ***Mobilehome.*** 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) on an approved permanent foundation may be allowed on lots located in Residential Single Unit Zones, except where the lot is located withina historic or landmark district. Allowed within a ~~h~~High ~~f~~Fire ~~h~~Hazard ~~zone~~ Area if designed to meet high fire construction standards adopted or enforced by the City, as determined by the Chief Building Official or the Fire Code Official.

2. ***Recreational Vehicle (RV).*** No recreational vehicle shall be used or occupied for living or sleeping purposes unless it is located in a recreational vehicle park and complies with all provisions of any ordinance of the City of Santa Barbara regulating such park and as provided below.

   a. *Parking Lots of Nonprofit Organizations.* A public benefit nonprofit corporation (which uses its real property for a permitted nonprofit public or semi-public use) may allow the overnight use of an adjacent paved vehicular parking portion of their real property by the registered owner of a recreational vehicle as a transitional housing alternative under the following limited circumstances:

      i. Such overnight use does not conflict with express conditions imposed by the City on a permit for the non-profit public or semi-public use.

      ii. No more than five recreational vehicles are on the nonprofit organization's real property for overnight accommodation use at any one time.

      iii. During the overnight use, each recreational vehicle is sited at a location not less than 50 feet from any real property being used for residential purposes.

      iv. Such recreational vehicles are properly and currently licensed for operation on the highway in accordance with the California Vehicle Code.

v. The non-profit organization has sole and exclusive control of the parking being used for this purpose.

vi. The non-profit organization makes adequate and sanitary bathroom facilities (as approved by the Santa Barbara County Health Officer) available to the occupants of the recreational vehicles.

vii. No rent is received by the non-profit organization for this overnight accommodation use, as the term "rent" is defined in Section 26.08.030.N of the Santa Barbara Municipal Code.

viii. The owner of the recreational vehicle has been issued a permit for such use of the recreational vehicle by a non-profit entity designated by the City for supervising the Recreational Vehicle Safe Parking Program and designated by the City to assist such recreational vehicle owners in transitioning to permanent housing.

b. *Parking of Recreational Vehicles in Certain Areas of Certain Zones.* An owner of real property in the M-I zone, north of the U.S. Highway 101, and the M-C zone, east of Santa Barbara Street to the City limits as shown on Figure 30.185.270, RV Overnight Parking in Certain Areas of M-I and M-C Zones, may allow the overnight use of a paved parking portion of their real property by the registered owner of a recreational vehicle as a transitional housing alternative under the following limited circumstances:

i. Such overnight use does not conflict with express conditions imposed by the City on a use permit for the use of the real property.

ii. No more than one recreational vehicle is on the real property for overnight accommodation use at any one time.

iii. During the overnight use, each recreational vehicle is parked at a location not less than 50 feet from any real property being used for residential purposes.

iv. Such recreational vehicles are properly and currently licensed for operation on the highway in accordance with the California Vehicle Code.

v. The owner of the real property makes adequate and sanitary bathroom facilities (as approved by the Santa Barbara County Health Officer) available to the occupants of the recreational vehicles.

vi. No rent is received by the owner of real property for this overnight accommodation use, as the term "rent" is defined in Santa Barbara Municipal Code Section 26.08.030.N, so long as

the occupant of the recreational vehicle serves as night-time security personnel.

vii. The owner of the recreational vehicle has been issued a permit for such use of the recreational vehicle by a non-profit entity designated by the City for supervising the Recreational Vehicle Safe Parking Program and designated by the City to assist such recreational vehicle owners in transitioning to permanent housing.

c. *City Parking Lots.* A City public parking lot may be designated by a resolution of the City Council for use by recreational vehicles with conditions and permit restrictions established in the City Council resolution. Such Council resolution shall also establish criteria for and a process to certify the continuing need for the occupants of a recreational vehicle to use the recreational vehicle as a transitional housing alternative pending an eventual transition to an acceptable and safe housing alternative.

B. ***Nonresidential Use.*** No recreational vehicle, mobilehome, or modular unit shall be used for nonresidential purposes except as allowed pursuant to Section 30.185.420, Temporary Uses, or uses consistent with the following:

1. *Vehicle Sales Office.* A recreational vehicle or mobilehome used as a sales office for the following uses, provided that all required permits are obtained:

   a. A new or used recreational vehicle or mobilehome sales business located on the same lot or parcel of land where the business is located and new or used recreational vehicles or mobilehomes, other than that used for a sales office, are normally kept for display to the public.

   b. A new or used auto sales business conducted on the same lot or parcel of land outside a City-designated historic or landmark district.

2. *Park Office.* A modular unit or mobilehome in a residential zone used for temporary office purposes in connection with the use of real property as a dedicated public park provided that the owner of the property or the operator of the park has received the required City approvals to construct a permanent park office building and all of the following conditions exist:

   a. All required building permits are obtained.

   b. Each modular unit or mobilehome is located outside the construction zone.

   c. No required parking spaces are eliminated by the placement of the modular units or mobilehome.

   d. No retail sales are made from the modular units or mobilehome.

3. *Fire Protection Purposes.* A modular unit or mobilehome in a residential zone may be used for interim fire protection purposes in connection with the use of City

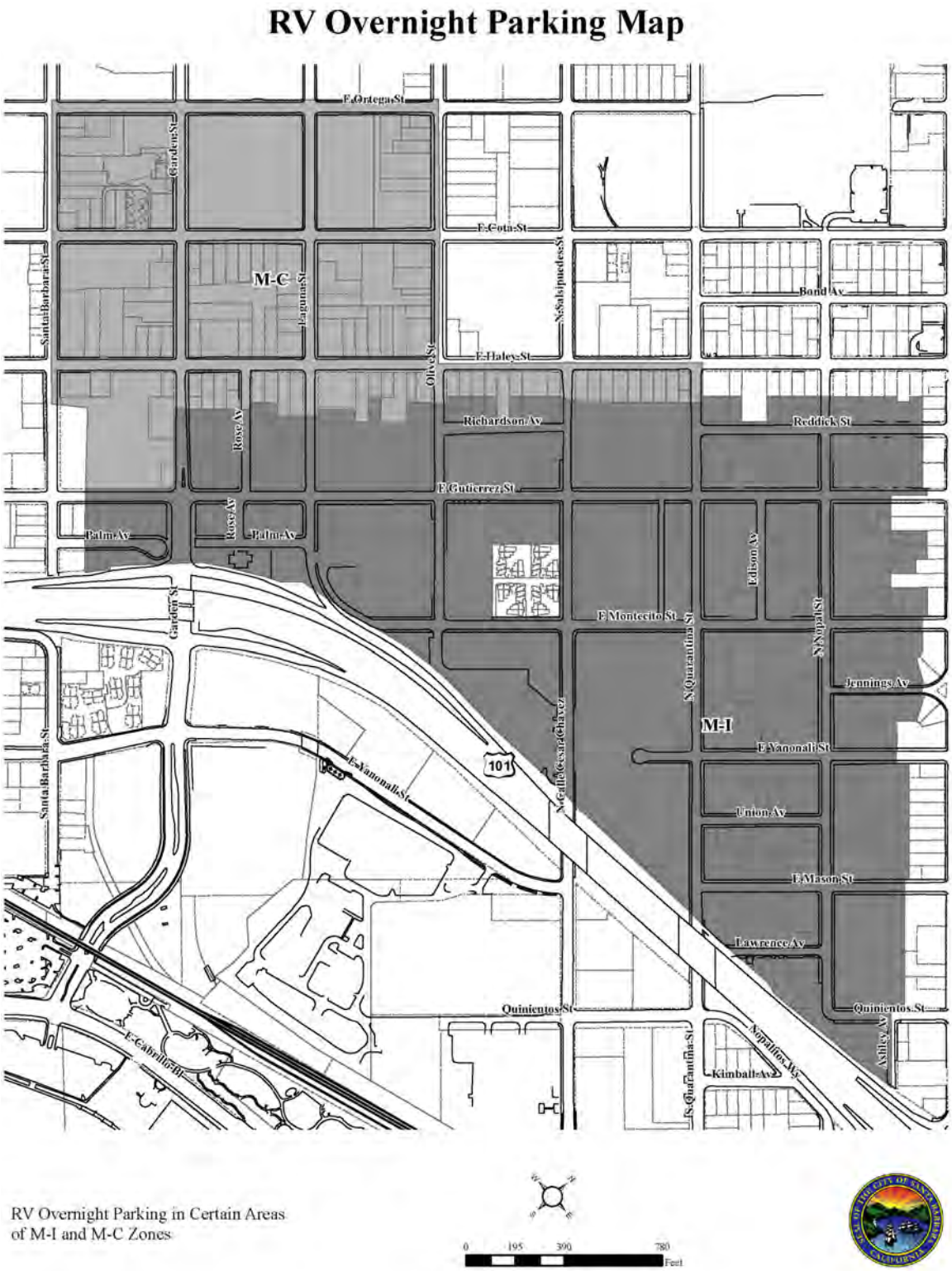
Fire Station No. 7 (Sheffield/Stanwood Station) provided that the following conditions apply:

a. That such use does not continue for a period of time in excess of five years from its initiation;

b. That the Mobilehome is not installed on a permanent foundation;

c. That the Mobilehome observes the minimum interior setback requirement for new nonresidential structures to the greatest extent feasible as determined by the Community Development Director.

FIGURE 30.185.270: RV OVERNIGHT PARKING IN CERTAIN AREAS OF M-I AND M-C ZONES



RV Overnight Parking in Certain Areas of M-I and M-C Zones

30.185.280 Mobilehome and Permanent Recreational Vehicle Parks

Mobilehome and Permanent Recreational Vehicle Parks shall be located, developed, and operated in compliance with the following standards:

A. **Park Standards.**

1. ***Minimum Site Area.*** The minimum site area for a mobilehome park is two acres.

2. ***Maximum Density.*** Maximum density is as allowed for a residential use in the zone in which the park is located.

3. ***Setbacks.*** A mobilehome or permanent recreational vehicle park shall comply with the minimum setback regulations applicable to residential development in the zone in which park is located.

4. ***Open Yard.*** Open yards in conformance with the number of residential units located onsite shall be provided pursuant to 30.140.150, Open Yards.

5. ***Internal Roadways.*** Internal roadways shall provide direct access to each mobilehome or recreational vehicle space and shall be provided in such a pattern as to provide convenient and safe traffic circulation within the park. Such roadways shall be built to the following standards:

   a. *Minimum Roadway Width.*

      i. No on-street parking: 26 feet

      ii. Vehicle parking on one side of the roadway: 32 feet

      iii. Vehicle parking on both sides of the roadway: 40 feet

   b. Rolled concrete curbs and gutters shall be installed on both sides of the roadway according to standards established by the Public Works Department.

   c. Roadways shall be paved according to standards established by the Public Works Department.

6. ***Lighting.*** Internal roadways and walkways shall be lit using low-intensity lighting directed away from surrounding residential uses.

7. ***Landscaping, Fencing, and Screening.***

   a. *Street Frontage.* Street trees and parkway planting shall be installed and maintained in the right-of-way along the full width of the park property fronting on a street.

   b. *Front Boundary.* A six-foot wide landscaped buffer shall be provided along front boundaries of the mobilehome or permanent recreational vehicle park property, regardless of whether or not the property fronts a public street. An ornamental wall or fence may be erected in conjunction with the landscape buffer, but shall not take the place of the

required buffer. The landscape buffer shall be reviewed and approved by the appropriate Design Review body.

c. *Side and Rear Boundaries.* Side and rear boundaries of a mobilehome or permanent recreational vehicle park shall be hidden from view with a six-foot high ornamental wall, fence or landscape planting. The Planning Commission may reduce or waive this requirement upon finding it is unreasonable or unnecessary to require a wall, fence or landscape planting due to the nature of the existing topography or other existing conditions that might render such wall, fence or screen ineffective.

8. ***Laundry Facilities.*** Common laundry facilities consisting of one automatic washer and one dryer for every ten mobilehome or recreational vehicle spaces shall be provided. The Planning Commission may reduce or waive this requirement where the applicant can demonstrate that this standard cannot or should not reasonably be met.

B. **Space Standards.**

1. ***Minimum Dimensions.*** Each mobilehome and recreational vehicle space shall be a minimum of 26 feet wider and ten feet longer than the mobilehome or recreational vehicle placed in that space.

2. ***Space Setbacks.*** Each mobilehome and recreational vehicle space shall have a minimum interior setback of three feet and a minimum front and rear setback of five feet.

3. ***Space Coverage.*** The area of a mobilehome or recreational vehicle space occupied by a mobilehome, recreational vehicle, cabana, carport, ramada or any accessory structure or awnings or combination thereof shall not exceed 60 percent of the total area of that space.

4. ***One Mobilehome or Recreational Vehicle Per Space.*** Not more than one mobilehome or recreational vehicle shall be allowed on any mobilehome or recreational vehicle space.

5. ***Obstructions.*** No obstruction of any kind shall be erected, placed or maintained on or about the mobilehome or recreational vehicle space which would impede the movement of a mobilehome or recreational vehicle to or from a space or prevent inspection of plumbing or electrical facilities.

6. ***Pad and Surface.*** Each mobilehome and recreational vehicle shall be placed on a pad at least large enough to cover the entire area underneath any mobilehome or recreational vehicle placed thereon. Each such pad shall be surfaced with asphaltic concrete of minimum thickness of two inches, or an equivalent surfacing material to the length and width of the mobilehome or recreational vehicle placed on the space.

7. ***Patio.*** Each space shall contain a concrete patio of at least 140 square feet in area with minimum dimensions of nine feet.

8. ***Skirting.*** The underneath of all mobilehomes and recreational vehicles shall be enclosed from the bottom of the mobilehome or recreational vehicle to the ground with a solid metal skirt, wood skirt, block wall or equivalent material approved by the Community Development Director.

30.185.290 Mobilehome and Permanent Recreational Vehicle Park Conversion Regulations

A. **Permit Required.** No applicant shall convert the use of any existing mobilehome park or permanent recreational vehicle park without first having said conversion tentatively approved by the Planning Commission, or the City Council on appeal, and having been issued a conversion permit by the Community Development Director.

B. **Conversion Defined.** For purposes of this Section, "conversion" shall mean use of a mobilehome or permanent recreational vehicle park or a portion of a mobilehome or permanent recreational vehicle park for a purpose other than the rental, or the holding out for rent, of two or more mobilehome or recreational vehicle spaces to accommodate mobilehomes or recreational vehicles and shall not mean the adoption, amendment or repeal of a park rule or regulation. "Conversion" may affect an entire park or any portion thereof, and such "conversion" shall include, but is not limited to, a conversion of a park or any portion thereof to a condominium, stock cooperative, residential development, commercial use, office use, manufacturing use or vacant land. Any conversion to condominiums shall be subject to Chapter 30.155, Conversion of Residential Units to Condominiums, Hotels, or Similar Uses, in addition to the provisions of this Section. For the purposes of this Section, condominiums shall be deemed to include community apartments and stock cooperatives.

C. **Issuance of Conversion Permits.**

1. ***Criteria.*** The Community Development Director shall issue a conversion permit when it is determined that:

   a. The applicant has complied with all the applicable City, state and federal laws and regulations in effect at the time that the conversion was approved; and

   b. The applicant has complied with all of the conditions of approval.

2. ***Revocation.*** Once issued, the conversion permit may be revoked if the applicant or successors in interest fail to comply with the conditions of approval or other applicable laws.

3. ***Expiration.*** For a conversion involving a subdivision, a tentative conversion approval shall expire when the tentative subdivision map expires. For a conversion not involving a subdivision a tentative approval shall expire after the same period of time as if it were a project requiring a tentative subdivision map.

D. **Physical Standards for Conversion of Mobilehome and Permanent Recreational Vehicle Parks to Condominiums or Overnight Recreational Vehicle Parks.**

1. ***Standards.*** In order to convert the use of a mobilehome or permanent recreational vehicle park to mobilehome or recreational vehicle condominiums, said park shall be brought up to the standards for construction of new mobilehome or permanent recreational vehicle parks as established in Section 30.185.280, Mobilehome and Permanent Recreational Vehicle Parks. In cases where (i) the applicant can demonstrate that the standards cannot or should not reasonably be met, and (ii) 75 percent of the current residents of an applicant's park have expressed a written intent to purchase the park from the applicant, said standards may be reduced or waived by the Planning Commission.

2. ***Conversion.*** In order to convert the use of a mobilehome or permanent recreational vehicle park to an overnight recreational vehicle park, said overnight recreational vehicle park shall meet all standards required by Section 30.185.320, Overnight Recreational Vehicle or Camping Parks.

E. **Application Requirements for Conversion Permits.** In addition to such other application requirements as the Planning Commission may deem necessary, no application for a conversion permit shall be accepted for any purpose unless it includes the following:

1. ***Concept Plan.*** A written statement and concept plan indicating the use the park site is intended to accommodate, including the approximate number of proposed residential units, if any; approximate square footage and use of any buildings proposed; and the probable impacts/benefits to the community created by the proposed project.

2. ***Site Plan.*** A site plan of the existing mobilehome or permanent recreational vehicle park showing all existing mobilehome and recreational vehicle spaces, identified by number and indicating whether the space is currently occupied.

3. ***Residents List.*** A list of the names and addresses of all residents of the mobilehome or permanent recreational vehicle park.

4. ***Impact Report.*** A report on the housing and financial impacts of the removal of the mobilehomes and recreational vehicles upon all displaced residents. The report shall include but not be limited to the following six items except where the applicant can demonstrate that such is not available.

   a. Rental rate history for each space for the previous five years;

   b. Monthly vacancy rate for each month during the preceding two years;

   c. Makeup of existing resident households, including number of residents, length of residence, age of residents, estimated household income, and whether receiving federal or state rent subsidies;

   d. The date of manufacture and size of each mobilehome and recreational vehicle in the park;

e. A list of those mobilehomes or recreational vehicles that cannot qualify for relocation to another park within reasonable proximity to the City; and

f. A statement of availability and location of equivalent replacement space in mobilehome or recreational vehicle parks within reasonable proximity to the City.

5. ***Relocation Assistance Plan.*** A relocation assistance plan shall be prepared by the applicant which states all measures proposed by the applicant to mitigate any identifiable adverse impacts of the conversion on the displaced permanent residents of the mobilehome or permanent recreational vehicle park. Every relocation assistance plan shall provide, at a minimum, that displaced permanent residents will be provided relocation benefits equal to those required by Section 30.155.150, Tenant Protection Provisions. A permanent resident (a) is a person (i) who owns the unit as a sole residence, or (ii) who has rented the mobilehome or recreational vehicle for a period of at least nine consecutive months, and (b) does not include a person who has resided in the park for one year or less prior to the date of application for the conversion permit, provided the person was given written notice of the owner's intention to convert prior to agreeing to reside in the park.

6. ***Evidence of Notice.*** The applicant shall submit evidence that a notice of intent to convert was delivered to each resident for whom a signed copy of said notice is not submitted.

7. ***Other Information.*** Any other information which, in the opinion of the Community Development Director, will assist in determining whether the proposed project will be consistent with the purpose and intent of this Section.

F. **Acceptance of Reports.** The housing and financial impact report, the relocation assistance plan, the notice of intent to convert, and other documents shall not be deemed accepted until approved in writing by the Community Development Director.

G. **Public Hearing.**

1. ***Notice of Intent.*** A notice of intent to convert the use of the park shall be delivered to each residential unit in the park a minimum of 60 days prior to submittal of an application to convert the use. Evidence of delivery shall be submitted with the application for conversion. The form of the notice shall be as approved by the Community Development Director and shall inform the resident of the following:

a. Name and address of current owner;

b. Name and address of the applicant;

c. Approximate date on which the application for the conversion is to be filed;

d. Anticipated date on which the conversion permit is to be issued;

e. Approximate date on which the space is to be vacated by the resident;

f. Provisions for special cases;

g. Each resident will receive notice for each hearing and right to appear and be heard at any such hearing;

h. Each resident will receive a copy of the housing and financial impact report and relocation assistance program; and

i. Other information as may be deemed necessary by the Community Development Director.

2. ***Resident Notice.*** Prior to the approval, the Planning Commission shall hold a public hearing. Notice of the hearing shall be mailed at least ten days prior to the hearing date to the affected residents and conspicuously posted on the parcel. The public hearing notice shall describe the general nature of the application, and include notice of time and place of the public hearing, and notification of the residents' rights to attend and to be heard.

3. ***Staff Report.*** Any report or recommendation on a proposed conversion of a mobilehome or permanent recreational vehicle park by the staff to the Planning Commission shall be in writing and a copy shall be sent to the applicant and to each resident of the subject park at least three days prior to any hearing or action on such conversion by the Planning Commission.

4. ***Impact Report and Relocation Assistance Plan.*** A copy of the housing and financial impact report and relocation assistance plan shall be delivered to each permanent resident, as defined in Paragraph 30.185.290.E.5, Relocation Assistance Plan, of the subject mobilehome or permanent recreational vehicle park by the applicant a minimum of 15 days prior to the public hearing and evidence of delivery shall be submitted to the Community Development Director.

H. **Findings – Mobilehome and Permanent Recreational Vehicle Park Conversion Permit.** The Planning Commission shall not approve an application for the conversion of a mobilehome or permanent recreational vehicle park unless the Planning Commission finds that:

1. All provisions of this Section are met and the issuance of the conversion permit will not be detrimental to the health, safety and general welfare of the City. In making this finding, the Planning Commission shall not consider the impact of the conversion on the City's affordable housing stock.

2. With respect to conversions of an existing park to a mobilehome or recreational vehicle subdivision, that the benefits to be derived from providing increased low-to-moderate cost home ownership opportunities outweigh the loss of rental housing opportunities.

3. In the case of conversion to condominiums, the proposed conversion will conform to the Santa Barbara Municipal Code in effect at the time of approval, except as otherwise provided in this Section.

4. The park owner has made reasonable efforts to prepare a relocation assistance program which (i) mitigates any significant adverse impact on the ability of displaced permanent mobilehome or permanent recreational vehicle park residents to find adequate space in a mobilehome or permanent recreational vehicle park, or (ii) in the event such a space is not available, provides other reasonable and comparable relocation assistance, and there are sufficient assurances that the measures in the program will be implemented.

5. In a park where the majority of permanent residents have incomes at or below low and moderate levels, as defined by the City's Affordable Housing Policies and Procedures and as established by the most recently filed federal income tax returns or some other document deemed acceptable by the Community Development Director, the City of Santa Barbara has been offered the right to purchase the mobilehome or recreational vehicle park at fair market value, as determined by an independent real property appraiser selected by the City, and has declined the offer or has failed to act on the offer within 180 days of the park owner's mailing to the City a "Notice of Intent to Convert". This finding may be reduced or waived where the applicant can demonstrate, to the satisfaction of the Planning Commission or City Council on appeal, that the applicant has made reasonable efforts to obtain necessary income information from a majority of the permanent residents in the park and has been unable to do so.

6. The applicant has not engaged in coercive action toward the residents, such as an unreasonable rent increase, after submission of the first application for City review through the date of approval. In making this finding, consideration may be given to:

    a. Rent increases at a rate greater than the rate of increase in the Consumer Price Index (Urban Wage Earners and Clerical Workers, Los Angeles-Long Beach-Anaheim Average, all items, as published by U.S. Bureau of Labor Statistics) unless provided for in leases or contracts in existence prior to the submittal of the first application for City review, and

    b. Any other action by the applicant which is taken against residents to coerce them to refrain from opposing the issuance of the conversion permit including, but not limited to, any violation of Chapter 26.04 of the Santa Barbara Municipal Code. An agreement with residents which provides for benefits to the residents after the approval shall not be considered coercive action.

7. That all notice requirements of the City and the state have been met.

8. All permanent buildings shall, on the date of change of use, be in compliance with the exit and occupancy requirements and the height and area requirements for the type of construction and occupancy involved as required by the

California Building Code as adopted and amended by the City, and other applicable laws.

30.185.300 Outdoor Sales and Display

Other than an accessory use allowed pursuant to Section 30.185.030, Accessory Uses, Outdoor Sales and Display shall require design review approval by the appropriate Design Review body.

30.185.310 Outdoor Storage

Outdoor Storage shall be located, developed, and operated in compliance with the following standards:

A. **Screening.** Outdoor storage shall be hidden from view with a solid fence or hedge at least six feet high. This requirement may be reduced or waived by the appropriate Design Review body if the outdoor storage is determined to be adequately screened pursuant to Section 30.15.120, Screening, or where the storage is adjacent to vacant land or where it is not visible from a street.

B. **Pollution Prevention and Vector Control.** Materials with the potential to pollute storm water, or attract rodents, vermin, or insects, will be placed within an enclosure such as cabinet, shed or similar structure. The enclosure or container shall prevent contact with runoff or spillage to the storm water conveyance system, or will be protected by secondary containment structures such as berms, dikes, or curbs. The storage area will be paved and sufficiently impervious to contain leaks and spills. The storage will have a roof or awning to minimize collection of storm water within the secondary containment.

30.185.320 Overnight Recreational Vehicle or Camping Parks

Overnight Recreational Vehicle or Camping Parks shall be located, developed, and operated in compliance with the following standards:

A. **Occupancy.**

1. No overnight recreational vehicle or camping park shall be occupied for more than 30 days within a 60-day period by any park guest.
2. No recreational vehicle or camp space shall be occupied by anything other than a recreational vehicle or tent, tarpaulin, or other temporary camping structure, except that a mobilehome, apartment or other residential unit may be located in the park for residential use by a park manager or caretaker.

B. **Park Standards.**

1. ***Minimum Site Area.*** The minimum site area for an overnight recreational vehicle or camping park is two acres.
2. ***Maximum Density.*** The maximum density is 30 vehicle or camp spaces per acre.

3. ***Setback, Front:*** 20 feet

4. ***Setback, Interior:*** 10 feet

5. ***Landscaping, Fencing, and Screening.***

   a. *Required Setbacks.* Landscaping, acceptable to the appropriate Design Review body, shall be installed and maintained in all required setback areas. Along the front property line, an ornamental wall or fence may be erected in conjunction with the required landscaping.

   b. *Street Frontage.* Street trees and parkway planting shall be installed and maintained in the right-of-way along the full width of the park property fronting on a street.

   c. *Side and Rear Boundaries.* Side and rear boundaries of an overnight recreational vehicle or camping park shall be screened with a six-foot high ornamental wall, fence or landscape planting. The Planning Commission may reduce or waive this requirement upon finding it is unreasonable or unnecessary to require a wall, fence or landscape planting due to the nature of the existing topography or other existing conditions that might render such wall, fence or screen ineffective.

6. ***Internal Roadways.*** Internal roadways shall provide direct access to each recreational vehicle or camping space and shall be provided in such a pattern as to provide convenient and safe traffic circulation within the park. Such roadways shall be built to the following standards:

   a. *Minimum Roadway Width.*

      i. No on-street parking: 20 feet

      ii. Vehicle parking on one side of the roadway: 26 feet

      iii. Vehicle parking on both sides of the roadway: 32 feet

   b. Rolled concrete curbs and gutters shall be installed on both sides of the roadway according to standards established by the Public Works Department.

   c. Roadways shall be paved according to standards established by the Public Works Department.

7. ***Recreational Facilities.*** Recreational facilities for exclusive use by the occupants and their guests may be provided.

8. ***Laundry Facilities.*** Laundry facilities consisting of one automatic washer and one dryer for every ten recreational vehicle or camp spaces shall be provided.

9. ***Lighting.*** Internal roadways and walkways shall be lit using low-intensity lighting directed away from surrounding uses.

C. **Space Standards.**

1. ***Minimum Dimensions.*** Recreational vehicle and camping spaces shall be a minimum of 16 feet wide and 50 feet long.

2. ***Space Setbacks.*** Each recreational vehicle or camping space shall have a minimum setback of three feet on all sides.

3. ***Space Coverage.*** The area of a recreational vehicle or camping space occupied by a recreational vehicle, automobile, storage locker, tent, tarpaulin, or other temporary camping structure, or any accessory structure or awnings or combination thereof shall not exceed 75 percent of the total area of that space.

4. ***Persons Per Space.*** Not more than eight persons may occupy a single recreational vehicle or camping space.

5. ***Vehicles Per Space.*** Not more than one recreational vehicle and not more than a total of two vehicles shall be allowed on a single recreational vehicle or camping space.

6. ***Landscaping.*** Any portion of a recreational vehicle space not occupied by an automobile or recreational vehicle parking space or other structure shall be planted with material approved by the appropriate Design Review body. A minimum of one shade tree of a minimum 15-gallon size shall be planted on each space.

30.185.330 Planned Residential Development

A. **Purpose.** The purpose of this Section is to establish a procedure for coordinated residential single-unit development that responds to site conditions in order to:

1. Provide flexibility in the development of residential properties with single-unit housing types and provide desirable spatial relationships between buildings and structures on-site.

2. Encourage preservation and enhancement of natural beauty and the provision of landscaped open spaces for visual and recreational enjoyment.

3. Allow for creative development projects that incorporate design features that provide greater amenities and open space than would likely result from conventionally planned development and subdivisions under strict adherence to requirements of the applicable zone.

4. Ensure substantial compliance with and implement the land use and density policies of the General Plan and any applicable Specific Plan.

B. **Land Use Regulations.** In addition to the uses allowed in the applicable zone, the following uses are permitted.

1. Single-Unit Residential.

2. Park and Recreation Facility.

3. State-licensed Family Day Care Home.

4. Transitional and Supportive Housing.

5. State authorized, licensed, or certified uses to the extent they are required by State Law to be allowed in residential zones.

C. **Development Regulations.**

1. ***Residential Unit Density:*** Maximum allowable density shall be equal to the total net acreage within the planned residential development area divided by the Minimum Net Lot Area for Newly Created Lots required in the applicable zone district.

   a. *Total Net Acreage.* Total net acreage shall mean the total site area exclusive of existing and proposed street rights-of-way, existing public or semi-public open spaces, non-profit organizations and land unacceptable for development or open space purposes.

   b. *Semi-Public Open Spaces.* Semi-public open spaces shall be considered to include areas such as golf courses, cemeteries, private parks and recreation areas and similar open uses which are not publicly owned but which provide similar amenities.

2. ***Lot Size and Street Frontage.*** The Planning Commission may permit lot sizes below the minimum standards required by the applicable zone district to the amounts prescribed in Table 30.185.330.C.2, Reduced Minimum Lot Area and Frontage, when the Planning Commission finds that there is a reasonable relationship between the reduced lot size and the proposed open areas within the development and that such lot sizes are compatible with the comprehensive plan for the residential development and the purpose of this Section.

TABLE 30.185.330.C.2: REDUCED MINIMUM LOT AREA AND FRONTAGE

Applicable Zone	*Minimum Lot Area*	*Minimum Street Frontage (see also a and b below)*
RS-6	5,000 sq. ft.	60 ft.
RS-7.5	6,000 sq. ft.	65 ft.
RS-10	8,000 sq. ft.	75 ft.
RS-15	10,000 sq. ft.	80 ft.
RS-25	15,000 sq. ft.	90 ft.
RS-1A	25,000 sq. ft.	100 ft.

   a. *Minimum Street Frontage Adjacent to Existing Development.* To preserve and protect the value of properties adjacent to the proposed development and to provide for an orderly and uniform transition, lots which will adjoin existing developments shall be required to provide an amount

of street frontage not less than that of existing lots but not greater than minimum requirements of the applicable zone.

b. *Reduced Minimum Street Frontage.* Where justified by improved subdivision design, building placement or natural terrain features, the Planning Commission may reduce the required street frontage to 25 feet.

3. ***Setbacks.***

a. *Development Boundary.* No main or accessory structure shall be located closer to the exterior boundary of a planned residential development than 30 feet.

b. *Individual Lots.* Required setbacks for individual lots shall be the required setback of the applicable zone district in which the lots are located.

4. ***Street Requirements.*** In order to provide greater flexibility of development and to preserve natural terrain features and open areas, the City Council may, upon the favorable recommendation of the Planning Commission and Public Works Director, reduce or waive City street design standards as may be deemed necessary to assure that the spirit and intent of this Section are observed and the public welfare and safety secured.

5. ***Open Space.***

a. Control of the design of open spaces is vested in the Planning Commission subject to review as to reasonableness by the City Council; design shall mean size, shape, location and usability for proposed public or semi-public purposes and development.

b. Approval of such open spaces shall be restricted from further development.

c. No planned residential development shall be approved prior to the submission of a legal document or documents setting forth a plan or manner of care and maintenance of such open spaces, recreational areas and communally owned facilities. No such document shall be acceptable until approved by the City Attorney as to legal form and effect and the Planning Commission as to suitability for the proposed use of the open areas.

D. **Permits Required.**

1. ***Conditional Use Permit.*** An application for a Conditional Use Permit shall be accepted and processed, pursuant to Chapter 30.205, Common Procedures, and Chapter 30.215, Conditional Use Permits, for all Planned Residence Developments. A separate Conditional Use Permit is not required to establish a Park and Recreation facility associated with the development.

2. ***Tentative Subdivision Map.*** Concurrent with the application for a Conditional Use Permit, the applicant shall submit a tentative subdivision map.

30.185.340 Public Works and Utilities

Public Works and Utilities shall be located, developed, and operated in compliance with the following standards:

A. **Small Additions to Existing Facilities.** 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 are allowed in all zones except P-R zones. Standard construction conditions may be imposed on the building permit as deemed appropriate by the Community Development Director.

B. **Limited Treatment and Distribution Facilities.** Public works treatment and distribution facilities that are greater than 500 square feet and no more than 1,000 square feet in R-M, R-MH, and P-R zones and less restrictive zones may be permitted pursuant to approval of a Performance Standard Permit and the following requirements.

1. Construction (including preparation for construction work) is prohibited Monday through Friday before 8:00 a.m. and after 5:00 p.m., and all day on Saturdays, Sundays, and holidays observed by the City of Santa Barbara unless approved by the Chief Building Official and the applicant provides written notice to all property owners and residents within 300 feet of the project and the City Planning and Building Divisions at least 48 hours prior to commencement of any noise-generating construction activity.

2. The design and operation of non-emergency outdoor security lighting and equipment shall conform to the Outdoor Lighting Ordinance, Chapter 22.75 of the Santa Barbara Municipal Code, and Chapter 30.255, Performance Standards.

3. The project shall incorporate standard dust control measures to minimize air quality nuisances to surrounding properties.

4. ***Required Findings.*** Prior to approval, the Review Authority shall make the following finding in addition to the findings required pursuant to Chapter 30.255, Performance~~s~~ Standard Permits, and any other findings required by this Title:

   a. The operation of the proposed facility is such that the character of the area is not significantly altered or disturbed.

5. ***Parks and Recreation Commission Review.*** Public works treatment and distribution facilities that are greater than 500 square feet and no more than 1,000 square feet in the P-R Zone are also subject to Parks and Recreation Commission review.

C. **Rehabilitation of City Reservoirs and Basins.** Rehabilitation of existing water storage reservoirs or sludge basins that are owned and operated by the City may be permitted in any zone pursuant to approval of a Performance Standard Permit and the following requirements.

1. Construction (including preparation for construction work) is prohibited Monday through Friday before 8:00 a.m. and after 5:00 p.m., and all day on Saturdays, Sundays and holidays observed by the City of Santa Barbara unless approved by the Chief Building Official and the applicant provides written notice to all property owners and residents within 300 feet of the project and the City Planning and Building Divisions at least 48 hours prior to commencement of any noise-generating construction activity.

2. The design and operation of non-emergency outdoor security lighting and equipment shall conform to the Outdoor Lighting Ordinance, Santa Barbara Municipal Code Chapter 22.75, and Section 30.180, Performance Standards.

3. The project shall incorporate standard dust control measures to minimize air quality nuisances to surrounding properties.

D. **Other Public Works and Utilities Projects.** Other facilities and equipment, except offices, used by public utilities or semi-public utilities to provide services to the general public are allowed in any zone subject to approval of a Conditional Use Permit.

30.185.350 Recreation Facilities

A. **Purpose.** The uses permitted under this Section may be unique in terms of the facilities provided, activities conducted, method and intensity of operation, relationship to topography and impact on surrounding urban development and potential. Therefore, it is impractical to establish in advance of development the minimum requirements for parking, site area, setbacks, hours or manner of operation, lighting, landscaping, or other standards usually applied to classes or types of use, and that distinct and different performance and development standards must be applied to each individual facility proposed to be established under these provisions.

B. **Required Findings.** A Conditional Use Permit for Large-Scale Commercial Entertainment and Recreation or a Park and Recreation Facility shall only be approved if the Planning Commission makes the following findings in addition to the findings required pursuant to Chapter 30.215, Conditional Use Permits, and any other findings required by this Title:

1. That the prescribed hours and days of operation of the various facilities are such that the character of the area is not altered or disturbed.

2. That the design and operation of outdoor lighting equipment will not be a nuisance to the use of property in the area.

30.185.360 Residential Uses in the CO-HV and CO-CAR Zones

A. **Residential Uses in the CO-HV Zone.** Any use permitted in the R-M Zone is allowed in the areas listed below. Residential use is prohibited in all other areas of the CO-HV Zone.

1. 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.

2. The area identified as Area A of the Cabrillo Plaza Specific Plan (SP2-CP) as specified in Resolution No. 83-155.

B. **Residential Uses in the CO-CAR Zone.**

1. ***Generally.*** Any use permitted in the R-M 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, so long as the R-M use is constructed as a project providing a mix of allowed nonresidential and residential use where the residential use will not exceed 70 percent of the total floor area of the development project.

   a. Any parcel of 5,500 square feet or less in size which exist as of the date of the adoption of Ordinance 5343 (February 8, 2005) 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.

2. ***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 mixed-use requirements for this zone.

3. ***Existing Residential Structures.*** Residential structures which exist at the time of the adoption of Ordinance 5343 (February 8, 2005, and as established by the existence of a valid certificate of occupancy issued by the City), shall not be deemed nonconforming to the requirements of the CO-CAR Zone and such structures may be rehabilitated or remodeled (but not demolished) and expanded so long as any such permitted expansion (or expansions in total): 1) does not exceed 20 percent of the floor area of the existing residential unit with the floor area and percentage calculated as of the date of the adoption of Ordinance 5343 (February 8, 2005), and 2) complies with the development standards of the R-M Zone.

30.185.370 Retail Sales, Neighborhood Market

A. **Purpose.** The purpose of this Section is to:

1. Enable and ease establishment of limited neighborhood-serving commercial and mixed-use in residential and other zones under certain specified standards, conditions, and criteria;
2. Promote sustainable neighborhoods with local serving uses for the daily needs of its residents within walking, biking or bus distance;
3. Provide convenient access to affordable and healthy food;
4. Encourage walking trips to the market from surrounding neighborhood areas; and
5. Ensure that the character of the surrounding neighborhood is protected.

B. **Development Standards.** Neighborhood Markets, developed as either a stand-alone use or with other allowed land uses on a lot, shall be located, developed, and operated in compliance with the following standards:

1. ***Size.*** Neighborhood Markets are limited to 1,500 square feet per lot.
2. ***Distance.*** Neighborhood Markets shall be located on a lot that is a minimum of 500 feet from a lot that contains another Neighborhood Market.
3. ***Hours of Operation.*** Hours of operation, including loading and unloading of merchandise, shall be as determined by the Review Authority.
4. ***Food Preparation and Consumption.*** Food and beverages may be prepared and consumed on the premises as an ancillary use provided at least 65 percent of the interior floor area is devoted to retail sales.
5. ***Outdoor Seating.*** Outdoor seating for customers is allowed in the front setback, but not interior setbacks. Seating shall not obstruct the right-of-way, sight distances, or otherwise create hazards for vehicle or pedestrian traffic.
6. ***Produce Display.*** The outdoor display of produce associated with the Neighborhood Market is allowed, subject to the following standards.
   a. The display does not disrupt the normal function of the site or its circulation and does not encroach upon parking spaces, driveways, pedestrian walkways, or required landscape areas; and
   b. All produce is removed or enclosed at the close of each business day.
7. ***Lighting.*** Lighting shall comply with the Outdoor Lighting Ordinance, Santa Barbara Municipal Code Chapter 22.75.
8. ***Parking.*** Automobile parking spaces are not required. Bicycle parking shall be provided pursuant to Chapter 30.175, Parking Regulations.
9. ***Setbacks.*** New structures, and additions to existing structures, are subject to the nonresidential setbacks of the applicable zone.

10. ***Maintenance.*** Any outdoor dining area and the adjoining street, curb, gutter and sidewalk shall be maintained in a neat, clean and orderly condition at all times, regardless of the source of the refuse and litter.

C. **Existing Neighborhood Markets.** Neighborhood Markets on a lot existing as of the effective date of this Title, may be improved or altered in conformance with this Section, upon approval of a Conditional Use Permit or Performance Standard Permit.

1. The nonresidential floor area, excluding covered parking, of an existing Neighborhood Market that is nonconforming to the size limitations of Paragraph 30.185.370.B.1, Size, may be increased by a cumulative maximum of 250 square feet through one or multiple additions.

D. **Required Findings.** A Conditional Use Permit for a Neighborhood Market shall only be approved if the Planning Commission makes all the findings required pursuant to Chapter 30.215, Conditional Use Permits, except finding F., and any other findings required by this Title.

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~~30.185.390~~30.185.380 Seafood Odor Control

A. **Applicability.** The provisions of this Section apply to all proposed Food Preparation, and Food and Beverage Manufacturing uses that involve the preparation or processing of seafood as either in part or in whole of the business operation.

B. **Odor Control Plan.** The applicant shall submit an Odor Control Plan for approval by the Community Development Director in order to demonstrate that any odors produced by the operation of seafood processing shall not cause or allow the emission of offensive, noxious, or foul odors in concentrations which are offensive to a reasonable person, which produce a public nuisance, or hazard on adjoining properties, or which could be detrimental to human plant or animal life. The Odor Control Plan may consist of any of the following or other items that will demonstrate compliance:

1. Air-tight garbage cans.
2. Technological solutions such as filters for treatment of emissions.
3. Biochemical solutions.
4. Washing of containers, vehicles, and other items must take place inside the building or at an offsite facility.
5. Seafood processing waste or water/melted ice that was used for seafood cannot be outside the building, unless the area is treated to remove the odor.
6. Annual reports prepared by a Project Environmental Coordinator to demonstrate compliance.

C. **Recorded Agreement.** A Recorded Agreement, pursuant to Chapter 30.260, Recorded Agreements, shall be executed and recorded by the owner of the lot and tenant engaged in operations that involve seafood preparation or processing stating that all

conditions will be met and any failure to comply shall result in the revocation of the certificate of occupancy for the development.

~~30.185.400~~30.185.390 Shooting Range

Shooting ranges, gun ranges, and any similar activities involving the discharge of firearms, with the exception of any indoor shooting range operated by and for a law enforcement agency, shall be prohibited.

~~30.185.410~~30.185.400 Solar Energy Systems

In the case where the Building Official makes a finding, based on substantial evidence, that a solar energy system could have a specific, adverse impact upon the public health and safety (as defined in Chapter 22.91 of the Santa Barbara Municipal Code), the solar energy system shall not be issued a building permit until a Performance Standard Permit pursuant to Chapter 30.255, Performance Standard Permit, has been issued for the solar energy system.

A. **Conditions of Approval.** The Performance Standard Permit shall require the installation or incorporation of measures or conditions necessary to minimize or avoid the specific, adverse impact.

B. **Grounds for Denial.** The City shall not deny an application for a Performance Standard Permit to install a solar energy system unless it makes written findings based upon substantial evidence in the record that the proposed installation would have a specific, adverse impact upon the public health or safety, and there is no feasible method to satisfactorily minimize or avoid the specific, adverse impact. If the applicant proposes any potentially feasible alternatives for preventing the specific adverse impact, the findings accompanying the denial of the Performance Standard Permit shall include the basis for the rejection for potential feasible alternatives of preventing the specific, adverse impact.

C. **Appeal.** The decision of the Staff Hearing Officer to deny an application for a Performance Standard Permit is appealable according to the following procedures:

1. ***Who May Appeal.*** The decision of the Staff Hearing Officer may be appealed to the Planning Commission by the applicant. No other persons can appeal.

2. ***Timing for Appeal.*** The applicant may appeal a decision of the Staff Hearing Officer by filing an appeal with the Community Development Director no more than 10 calendar days following the decision. The application shall include the grounds for appeal.

3. ***Grounds for Appeal.*** The decision of the Staff Hearing Officer may be appealed on the grounds that the stated findings to deny the permit are not supported by substantial evidence.

4. ***Scheduling an Appeal Hearing.*** The Community Development Department shall assign a date for an appeal hearing before the Planning Commission no earlier than 10 calendar days after the date on which the appeal is filed with the Community Development Director. The appeal hearing shall generally be

held within 60 calendar days following the filing of the application for the hearing.

5. ***Power to Act on the Decision at Appeal Hearing.*** The Planning Commission may affirm, reverse, or modify the Staff Hearing Officer's decision to deny a solar energy system in accordance with the following:

   a. A decision to affirm the decision of the Staff Hearing Officer shall require a finding based on substantial evidence in the record that the proposed solar energy system would have a specific, adverse impact upon the public health and safety.

   b. If the Planning Commission determines that there is not substantial evidence that the solar energy system would have a specific adverse impact upon the public health and safety, then the decision of the Staff Hearing Officer shall be reversed and the project shall be approved.

   c. If the Planning Commission determines that conditions of approval would mitigate the specific adverse impact upon the public health and safety, then the decision of the Staff Hearing Officer shall be reversed and the project shall be conditionally approved. Any conditions imposed shall mitigate at the lowest cost possible, which generally means the permit condition shall not cause the project to exceed 10 percent of the cost of the small rooftop solar energy system or decrease the efficiency of the small rooftop solar energy system by an amount exceeding 10 percent.

6. ***Decision is Final.*** The decision of the City Planning Commission is final.

~~30.185.420~~30.185.410 Telecommunications Facilities and Antennas

A. **Maximum Height.** Telecommunications Facilities and all related equipment shall not exceed the maximum height limits in the zone, except the maximum height for antennas shall be the following:

   1. ***Amateur or Citizens' Band Antennas.*** The height of Amateur or Citizen's Band transmitting or receiving antennas and related screening used in the Amateur Radio Service or the Citizen's Radio Service by licensed amateur or citizen's band radio operators shall not exceed the following:

      a. *Antenna Tower*. The height of an Antenna Tower shall not exceed the following:

         i. Residential, O-R, O-M, P-R, and C-R Zones. 65 feet.

         ii. C-G, M-C, M-I, and Coastal-Oriented Zones. 100 feet.

      b. *Antenna Which is not a Tower or Part of a Tower*. The height of an Antenna Support which is not a tower or part of a tower shall not exceed 45 feet unless such support is a part of an approved structure or a naturally existing object.

2. ***Other Antennas.***

   a. *Antennas Attached to Existing Buildings.* Antennas and related screening placed on an existing building shall not exceed 15 feet in height above the highest point of the building.

   b. *Antennas Not Placed on Existing Buildings.* The height of antennas and related screening which are not placed on existing buildings shall not exceed the following:

      i. RS, R-2, and P-R Zones: 45 feet.

      ii. R-M, R-MH, O-R, O-M, and C-R Zones: 55 feet.

      iii. C-G, M-C, M-I, and Coastal-Oriented Zones: 70 feet.

B. **Exempt Telecommunications Facilities**. The following Telecommunication Facilities are permitted uses in all zones and exempt from the requirement of a Conditional Use Permit under this Chapter.

1. ***Repairs and Maintenance***. Repairs and maintenance of existing facilities, whether emergency or routine, or replacement of transmitters, antennas, or other components of existing permitted facilities, provided there is little or no change in the visual appearance or any increase in radio frequency emission levels.

2. ***Satellite Dish Antennas***. Satellite Dish Antennas designed or used for the reception of television or other electronic communications signal broadcast or relayed from an earth satellite.

3. ***Cellular Telephone or Paging Antennas***. One or more cellular telephone antennas or paging antennas, provided that the Community Development Director makes the following findings.

   a. *No Resource Impacts.* The project will have no significant impact on any biological or archeological resources and will not generate additional traffic. Additional data or other evidence in support of this finding may be required.

   b. *No Visual Impacts*. The project has been reviewed by the appropriate Design Review body. The appropriate Design Review body may take action regarding the location of the antenna(s) on the site, color and size of the proposed antennas so as to minimize any adverse visual impacts.

4. ***Microcell.*** A microcell, provided it has been reviewed by the appropriate Design Review body. The appropriate Design Review body may take action regarding the location of the antenna(s) on the site, color and size of the proposed antennas so as to minimize any adverse visual impacts.

5. ***Amateur or Citizen's Band Antennas.*** Amateur or Citizen's Band Antennas meeting the height requirement in Section 30.185.410.A.1 above.

C. **Conditional Use Permit Required**. Except as provided in Subsection 30.185.410.B, Exempt Telecommunications Facilities, Telecommunications Facilities may only be allowed where the Review Authority finds that:

1. ***Shared Use of Support Structure***. The applicant had made a good faith effort to demonstrate that no existing or planned support structure, including an antenna tower, is available to accommodate the proposed antenna.

2. ***Site Size***. The site is of a size and shape sufficient to provide an adequate setback from the base of the antenna support structure to any property line abutting a residential use.

3. ***Visual Impact***. The project has been reviewed by the appropriate Design Review body. The appropriate Design Review body may take action on the location of the antenna(s) on the site, color and size so as to minimize any adverse visual impacts by requiring that the antenna and its supporting structure be designed and placed so as to be as visually unobtrusive as feasible, taking into consideration technical engineering and other pertinent factors.

~~30.185.430~~30.185.420 Temporary Uses

A. **Purpose.** The City recognizes that certain temporary uses can be a benefit to the community and should be allowed; provided that short-term negative effects, such as noise, lighting, parking, and traffic, are minimized. This section establishes standards for certain uses that are intended to be of limited duration of time and that will not permanently alter the character or physical facilities of the site where they occur.

B. **Limitations.** Any use allowances described in this Section do not override any use limitations placed on a lot pursuant to existing discretionary approvals. Temporary uses shall comply with all other applicable provisions of the Santa Barbara Municipal Code, including, but not limited to, the Sign Ordinance, the Outdoor Lighting Ordinance, applicable Building and Fire Codes, and any applicable design review of buildings or structures.

C. **Determination of Approval Required.** The Community Development Director shall determine if a particular use, structure, or event represents a variation from the normal operations of a legally recognized use on a lot and shall be subject to the requirements of this Section.

D. **Exempt Temporary Uses.** The following temporary uses are exempt from a permit or other approval under this Chapter.

1. ***Temporary Events Subject to Other City Temporary Use Permits.*** Temporary uses that receive a Coastal Development Permit, Coastal Exemption, or uses that are permitted with a temporary use permit by other City Departments, such as a Parks and Recreation Permit, Parade Permit, or Circus and Carnival Permit, or similar permit or approvals, are exempt from a permit or approval under this Section.

2. ***Garage Sales.*** Residential garage, yard, or estate sales of personal property conducted by, or on behalf of, a resident of the premises may be conducted consistent with the following standards:

   a. *Number of Events.* A maximum of four times per 12-month period, per lot.

   b. *Duration.* A maximum of three consecutive days per event.

3. ***Non-Profit Fund Raising.*** Fund raising sales by a nonprofit organization may be conducted consistent with the following standards:

   a. *Location.* Located in a nonresidential zone on a lot developed with non-residential uses.

   b. *Number of Events.* A maximum of four times per 12-month period, per site.

   c. *Duration.* A maximum of three consecutive days per event.

   d. *Parking.* Parking spaces or loading areas required for other uses shall not be displaced.

   e. *Obstructions.* The fundraising sale shall not obstruct the right-of-way, sight distances, building or site ingress or egress, or otherwise create hazards for vehicle or pedestrian traffic.

4. ***Construction Building or Office.*** A recreational vehicle or mobilehome may be used as a construction building or office at the site of a construction project for the duration of such project.

5. ***Catering.*** Mobile Food Vendors may operate as caterers to private events when food or beverages are not sold, or offered for sale, to the general public.

E. **Temporary Uses Requiring a Zoning Clearance.** The following types of temporary uses may be conducted with a Zoning Clearance pursuant to Chapter 30.280, Zoning Clearance. A Zoning Clearance is required for each separate temporary use occurrence and expires at the conclusion of the individual use, activity, or event. Temporary uses in the Coastal (CZ) Overlay Zone shall also require either a Coastal Exemption or Coastal Development Permit pursuant to Chapter 30.50, Coastal (CZ) Overlay Zone.

1. ***Temporary Use.*** Temporary use approval including buildings, lighting, or other structures consistent with the following standards:

   a. *Use Limitation.* Limited to nonresidential uses.

   b. *Location.* Located in a nonresidential zone.

   c. *Duration.* A maximum of one approval per site, for a period of no more than 12 consecutive months per site. Not to be used for multiple special events per year.

   d. *Size.* Limited to a cumulative maximum floor area of 1,500 net square feet per site.

e. *Parking.* Parking shall be provided pursuant to Chapter 30.175, Parking Regulations. Parking spaces or loading areas required for other uses shall not be displaced.

f. *Development Standards.* Temporary structures must comply with all applicable development standards of the Santa Barbara Municipal Code, including, but not limited to, minimum setbacks, maximum height, design review, and performance standards.

g. *Site Condition.* Temporary structures shall be removed within seven days following the conclusion of the Zoning Clearance approval, and the appearance of the site shall be returned to its original state.

2. ***Commercial Use of Recreational Vehicles, Mobilehomes, and Modular Units.*** Use of recreational vehicles, mobilehomes, or modular units consistent with the following standards.

a. *Sales and Leasing Office.* A mobilehome or modular unit may be used as an office for the initial sale, rental or leasing of lots and residential units in a project located on the same lot, parcel of land or project site where the units are located provided all of the following conditions exist:

i. All required building permits are obtained.

ii. All necessary street improvements and off-street parking spaces are provided to the satisfaction of the Public Works Director and Community Development Director.

iii. No required parking spaces are eliminated by the placement of the modular units.

iv. The sales office is closed after a period of two years, unless the time period is extended by the Community Development Director.

b. *Business Operations.* One or more modular units may be used during the term of a construction project by employees of an existing business which has been displaced due to the project, provided all of the following conditions exist:

i. All required building permits are obtained.

ii. Each modular unit is located outside the construction zone.

iii. No required parking spaces are eliminated by the placement of the modular units.

iv. No retail sales are made from the modular units.

3. ***Seasonal Sales.*** The annual sales of holiday-related items such as Christmas trees, Festivus poles, pumpkins and similar items consistent with the following standards:

a. *Location.* Located in a nonresidential zone on a lot developed with nonresidential uses.

b. *Duration.* A maximum of six weeks per holiday.

c. *Number of Events.* A maximum of six times per 12-month period, per site.

d. *Parking.* Parking spaces or loading areas required for other uses on the lot shall not be displaced.

e. *Site Condition.* All items for sale, as well as signs and temporary structures, shall be removed within seven days following the respective holiday, and the appearance of the site shall be returned to its original state.

4. ***Special Events and Sales.*** Other short-term special events, outdoor sales, temporary structures, and displays consistent with the following standards:

a. *Use Limitation.* Limited to nonresidential uses associated with an existing use on the same site.

b. *Location.* Located in a nonresidential zone.

c. *Number of Events.* A maximum of six times per 12-month period, per site.

d. *Duration.* A maximum of three consecutive days per event.

e. *Time Limit.* Hours of operation occur between 8:00 a.m. and 9:00 p.m.

f. *Surfacing.* If outdoors, located on a paved or concrete area on the same site as the structure(s) containing the use with which the event is associated.

g. *Parking.* Parking spaces or loading areas required for other uses shall not be displaced, except as provided below.

h. *Spaces Not Being Used.* Required parking spaces for existing nonresidential uses may be displaced if the existing nonresidential use is not open during the event.

i. *Offsite Parking.* Equivalent replacement parking spaces are provided offsite in an existing paved, permitted parking lot approved by Transportation Manager.

j. *Obstructions.* The event shall not obstruct the right-of-way, sight distances, building or site ingress or egress, or otherwise create hazards for vehicle or pedestrian traffic.

k. *Accessibility/Americans with Disabilities Act.* The event must comply with all applicable accessibility requirements and the Americans with Disabilities Act.

l. *Site Condition.* The appearance of the site shall be returned to its original state, including the removal of all signs and temporary structures, within seven days following the event.

5. ***Mobile Food Vendors.*** Mobile Food Vendors on private property located and operated in compliance with the following standards:

a. *Location.* Mobile Food Vendors may only operate in nonresidential zones, on lots developed with nonresidential uses.

b. *Number.* Maximum one truck per day per parking lot.

c. *Duration.* Maximum four hours per day per parking lot. No lot may have a mobile food vendor onsite for more than 90 days total in any 12-month period.

d. *Distance.* No mobile food vendor on private property shall operate closer than a 500-foot radius from another mobile food vendor operating on private property.

e. *Required Parking.* No parking spaces are required for a Mobile Food Vendor that meets all of the standards under this Section.

f. *Displaced Parking.* Mobile Food Vendors may displace up to three required nonresidential parking spaces for a maximum of four hours per day per parking lot, provided that no more than 10 percent of the total number of parking spaces on-site are displaced. Required parking spaces for an existing nonresidential use may be displaced if the existing nonresidential use is not open during the event.

g. *Location.* Mobile food vehicles used by vendors shall not be permitted as a permanent or proprietary location on any property within the City. Vehicles shall not be left unattended at any time, or be left onsite when inactive, or stored overnight.

h. *Obstructions.* Location and operation including customers, seating, and equipment, shall not obstruct the right-of-way, sight distances, or otherwise create hazards for vehicle or pedestrian traffic. The location shall comply with applicable accessibility requirements and the Americans with Disabilities Act.

i. *Allowed Products.* Operations are limited to the sales of food and beverages for immediate consumption.

j. *Allowed Vehicles.* Operations shall only be conducted from a motor vehicle, or vehicle with a trailer consistent with State law and County Health Department approvals. Other types of food vending from a temporary structure such as a push cart, standalone trailer, or kiosk are not allowed under this Title.

k. *Nuisance.* Mobile Food Vendors shall be responsible for keeping the area clean of any litter or debris and shall provide trash receptacles for

customer use on-site. No vendor shall ring bells, play chimes, play an amplified musical system, or make any other notice to attract attention to its business while operating within city limits. The use of prohibited or unpermitted signs for mobile food vendors is not allowed.

F. **Temporary Uses Requiring a Performance Standard Permit.** Temporary uses that do not meet certain standards to be considered exempt or allowed pursuant to Zoning Clearance may be permitted with a Performance Standard Permit pursuant to Chapter 30.255, Performance Standard Permit, as follows:

1. ***Additional Allowances.*** The Staff Hearing Officer may approve additional allowances for the following standards.

   a. *Use Limitation.*

   b. *Location.*

   c. *Size.*

   d. *Number of Events.* Up to 12 times per 12-month period, per site. A Performance Standard Permit approval may authorize multiple occurrences of a temporary use provided all occurrences are conducted within a 12-month period. Conditional Use Permit approval is required for temporary uses that occur over multiple years.

   e. *Duration.* Up to 11 consecutive days per event. Up to 24 consecutive months for a temporary structure.

   f. *Time Limit.*

   g. *Surfacing.*

   h. *Parking Displacement.* A parking analysis may be used to establish the number of parking spaces required for all uses for the duration of the event.

   i. *Obstructions.*

   j. *Mobile Food Vendors.*

2. ***Required Findings.*** The Staff Hearing Officer may approve or conditionally approve an application for a Performance Standard Permit only upon making the following findings, in addition to any other findings required pursuant to this Title:

   a. The proposed use will not unreasonably affect adjacent properties, their owners or occupants, or the surrounding neighborhood, and will not in any other way constitute a nuisance or be detrimental to the health, safety, peace, comfort, or general welfare of persons residing or working in the area of such use or to the general welfare of the City; and

b. The proposed use will not unreasonably interfere with pedestrian, bicycle or vehicular traffic or circulation in the area surrounding the proposed use, and will create a demand for additional parking that cannot be safely and efficiently accommodated by existing parking areas.

3. ***Conditions of Approval.*** The Staff Hearing Officer may impose reasonable conditions deemed necessary to ensure compliance with the findings listed in Paragraph 30.185.420.F.2, Required Findings, above, including, but not limited to: regulation of ingress and egress and traffic circulation; fire protection and access for fire vehicles; regulation of lighting, noise and odors; regulation of hours or other characteristics of operation; and removal of all trash, debris, signs, sign supports and temporary structures and electrical service and returning the site to its original condition. The Staff Hearing Officer may require reasonable guarantees and evidence that such conditions are being, or will be, complied with.

G. **Temporary Uses Requiring a Conditional Use Permit.**

1. A Conditional Use Permit is required for any temporary use that has the potential to affect the community at large or the neighborhood beyond a 300-foot radius from the project site.

2. A Conditional Use Permit is required for any temporary use that will occur on the same site more than 12 times per year or that will occur over multiple years.

H. **Interim Governmental Displacement Use.** Any interim use deemed appropriate by the Planning Commission in those areas identified by resolution of the City Council as impacted by governmental action may be allowed through Conditional Use Permit approval pursuant to Chapter 30.215, Conditional Use Permits. Interim uses and any authorization granted by the Conditional Use Permit shall be limited in duration as specified by the Planning Commission.

~~30.185.440~~30.185.430 Transitional and Supportive Housing

Transitional and supportive housing constitute a residential use and are subject only to those restrictions that apply to other residential uses of the same type in the same zone.

Chapter 30.190 Tenant Displacement Assistance

Sections:

30.190.010 Definitions
30.190.020 Submittal Requirements
30.190.030 Monetary Displacement Assistance
30.190.040 Waiver of the Rights, Benefits, or Protections Afforded by this Chapter
30.190.050 Certification of Displacement Assistance
30.190.060 Protections for Resident Households

30.190.010 Definitions

Except where the context or particular provisions require otherwise, the following definitions shall govern the construction of this Chapter.

A. **Application.** Any application required to be submitted to the City of Santa Barbara for discretionary or ministerial approval of a land use change or improvement of real property that will result in any of the following:

a. The demolition of any rental unit on the lot,

b. The alteration of any structure on the lot that reduces the number of rental units on the lot,

c. The conversion of a single residential unit to a condominium unit, or

d. A change of use of real property from a residential use to a nonresidential use.

The term "application", as defined in this Chapter, shall not apply to any application filed in response to an enforcement order of the Chief Building Official to abate an illegal residential unit or other Building Code violation.

B. **Displacement.**

1. The vacating of a rental unit by an eligible resident household before the property owner withdraws the application, abandons the project following approval, or the project proceeds with an approval. A displacement can occur in response to a notice to quit served by the property owner or by a voluntary election of the eligible resident household to vacate the residential unit.

2. For purposes of this Chapter, a displacement does not include a vacation of a rental unit as the result of the following:

a. A condominium conversion regulated and processed pursuant to Chapter 30.155, Conversion of Residential Units to Condominiums, Hotels, or Similar Uses,

b. A conversion of any portion of a mobilehome park or a permanent recreational vehicle park regulated and processed pursuant to Section 30.185.290, Mobilehome and Permanent Recreational Vehicle Park Conversion Regulations,

c. A vacation of an illegally constructed residential unit, or

d. A vacation of a rental unit resulting from the damage or destruction of the unit which is caused by a natural disaster.

C. **Eligible Resident Household.** A resident household occupying a rental unit at the time an application is filed with the City. In addition to resident households occupying a rental unit at the time an application is filed, there shall be a rebuttable presumption that any resident household that received a notice to quit pursuant to Section 1946 of the Civil Code within the six-month period preceding the filing of an application is an eligible resident household for purposes of receiving displacement assistance pursuant to this Chapter. The presumption specified in the preceding sentence shall not apply where the property owner provides evidence of any of the following circumstances:

1. The resident household's occupancy ended due to the expiration of a term lease and the tenancy was not extended by the operation of Section 1945 of the Civil Code, or

2. The resident household was found to have committed an unlawful detainer pursuant to Subdivisions 2, 3, 4 or 5 of Section 1161 of the Code of Civil Procedure as evidenced by a final judgment of a court of competent jurisdiction.

3. The real property on which the rental unit is located was sold in an arm's length transaction for fair market value after the resident household vacated the rental unit and prior to the filing of the application.

D. **Immediate Family.** Immediate family includes a spouse, registered domestic partner, children, parents, and the spouses or registered domestic partners of children of a property owner.

E. **Median Advertised Rental Rate.** An estimate of rental rates for residential rental units within the City prepared annually by the staff of the Community Development Department. For the purposes of this Chapter, the median advertised rental rate shall be calculated annually based on the median of a representative sample of rental units advertised in a newspaper of general circulation, or similar method approved by the Community Development Director, for one Sunday during the month of April. The median advertised rental rate shall be published by the City each May 1 and shall remain in effect for the next 12 months or until a new median advertised rental rate is provided by the City. The median advertised rental rate shall be calculated and published for the following categories of rental units:

1. Studio units (no bedrooms),

2. One bedroom units,

3. Two bedroom units, and

4. Units with three or more bedrooms.

As used in this Chapter, the applicable median advertised rental rate shall be determined based on the number of bedrooms in the rental unit to be vacated by the residential household. The methodology for calculating the median advertised rental rate shall be approved by the Community Development Director and described in detail in the City's Affordable Housing Policies and Procedures.

F. **Rental Unit.** A residential unit, as that term is defined in Section 30.140.160, Residential Unit, used as a place of permanent or customary and usual abode of a resident household. A rental unit shall not include a room or any other portion of any residential unit which is occupied by the property owner or a member of the property owner's immediate family.

G. **Resident Household.** Any person or group of persons entitled to occupy a residential unit under a valid lease or rental agreement (written or oral) with the owner of the real property including all persons who are considered residents under the Civil Code, but not including the owner of the rental unit or members of the owner's immediate family.

H. **Special Needs Resident Household.** An eligible resident household with any of the following characteristics:

1. At least one member who is 62 years of age or older,

2. At least one member has a permanent disability that qualifies the member of the household as a disabled person pursuant to section 295.5 of the Vehicle Code, or

3. The household qualifies as a low income household pursuant to the City's Affordable Housing Policies and Procedures.

30.190.020 Submittal Requirements

A. **Notice of Intent.** At least 60 days prior to filing an application, either the property owner or the owner's agent shall notify each eligible resident household residing on the subject real property of the owner's intent to file an application.

1. ***Method.*** The notice shall be provided by either:

   a. Personal delivery, or

   b. Certified mail, postage prepaid, with return receipt requested.

2. ***Content.*** The form of the notice shall be approved by the Community Development Department and shall contain at least the following information:

   a. The name and address of current owner;

   b. The name and address of the proposed applicant;

   c. The approximate date on which the application is to be filed;

d. The resident's right to purchase a resulting residential unit, if applicable;

e. The resident's right of notice before being required to vacate the rental unit;

f. The resident's right to terminate lease without obligation for future rent;

g. A statement regarding the applicable limitations on rent increases;

h. An explanation of displacement assistance available for eligible resident households and special needs resident households under this Chapter (i.e., monetary assistance, relocation counseling, contact information for the Rental Housing Mediation Board, qualifications for Special Needs Resident Households, etc.);

i. The resident household's right to receive written notice for each hearing and right to appear and be heard at land use hearings, if applicable; and

j. Other information as may be deemed necessary or desirable by the Community Development Director.

3. ***Evidence of Compliance.*** Evidence of compliance with this Section must be submitted to the City in order for the application to be deemed complete.

B. **Resident Information.** Concurrent with the filing of the application, either the property owner or the owner's agent shall provide the Community Development Department with all of the following information for each rental unit that will be subject to a displacement as a result of the application:

1. The name of every member of the resident household who is a signatory on a written lease or the name of every person over the age of ~~eighteen~~ 18 the property owner considers to be a resident under an oral lease; and

2. The names of all members of resident households that were issued a notice to vacate within the six months preceding the filing of the application.

30.190.030 Monetary Displacement Assistance

A. As a condition of the City approval of any application that will result in a displacement, the property owner is obligated to pay to each eligible resident household monetary displacement assistance in an amount equal to four times the median advertised rental rate or $5,000, whichever is greater. The displacement assistance to be paid to an eligible special needs resident household shall be equal to five times the median advertised rental rate or $6,000, whichever is greater.

B. The monetary displacement assistance shall be calculated on a "per rental unit" basis and shall be paid jointly, in one lump sum, to all members of the eligible resident household occupying the rental unit.

30.190.040 Waiver of the Rights, Benefits, or Protections Afforded by this Chapter

A. An eligible resident household may waive or otherwise alter any of the rights, benefits, or protections afforded by this ordinance by mutual written agreement between the property owner and all members of the eligible resident household.

B. In order for a waiver or other alteration of the rights, benefits, or protections afforded by this Chapter to be effective all of the following requirements must be satisfied:

1. The written agreement is executed by the property owner (or the owner's authorized agent) and all adult members of the eligible resident household,

2. All of the signatures on the written agreement are notarized, and

3. The written agreement is executed after the members of the eligible resident household have received notice of the provisions of this Chapter as evidenced by the notarized signatures of all adult members of the eligible resident household on the form approved by the Community Development Director.

C. Landlord notices (written or verbal) to eligible resident households citing tenant ineligibility for Displacement Assistance are not determinative on the City's evaluation of whether the resident household is entitled to displacement assistance

30.190.050 Certification of Displacement Assistance

A. **Evidence of Payment or Waiver.** Prior to any displacement or the issuance of any permit pursuant to the application, whichever occurs first, the property owner shall provide the Community Development Director with either:

1. A copy of a cancelled check evidencing payment of the monetary displacement assistance to the members of the eligible resident household as required by this Chapter, or

2. A copy of a written waiver or modification of the displacement assistance obligation executed by the property owner and all of the adult members of the eligible resident household All signatures on any document waiving or modifying the displacement assistance obligation under this Chapter shall be notarized.

B. **Timing of Waiver.** In order to satisfy the requirements of this Section, the written waiver must be executed after the members of the resident household have received notice of the application and the provisions of this Chapter pursuant to Section 30.190.020, Submittal Requirements. In order to be effective, the waiver must include a copy of the notice required pursuant to Section 30.190.020, Submittal Requirements, signed by all adult members of the eligible resident household.

C. **Suspension of Processing or Construction.** If evidence of payment or a waiver is not provided to the Community Development Department as required pursuant to subsections A and B above, the processing of the application or issuance of a permit may be suspended until such evidence is provided in accordance with this Section.

1. If a resident household qualifies as an eligible resident household under the presumption specified in Subsection 30.190.010.C, Eligible Resident Household, and the resident household is claiming monetary displacement assistance pursuant to the provisions of this Chapter, the processing of the application may be suspended until evidence of payment or a waiver is provided pursuant to this Chapter.

2. If a permit is issued and it is later determined by the Community Development Department that the displacement assistance has not been paid or waived in accordance with this Chapter, any construction authorized under the permit may be suspended until the payment is made or waived pursuant to this Chapter.

30.190.060 Protections for Resident Households

A. **Right to Purchase (Right of First Refusal).** The members of any eligible resident household shall be given an exclusive right to contract for the purchase of a residential unit within any resulting development upon the same terms and conditions that the residential unit will be initially offered to the general public or on terms more favorable to the members of the eligible resident household. The exclusive right to contract shall be valid for at least 90 days from the date of issuance of a Subdivision Public Report or the commencement of sales, whichever date is later. The manner in which any exclusive right to contract shall be exercised shall be in accordance with administrative rules established by the Community Development Department in the City's affordable housing policies and procedures. This Subsection shall not apply to applications for conversions of rental units to hotels or similar commercial uses.

B. **Right to Terminate Lease.** After receipt of the notice required pursuant to Subsection 30.190.020.A, Notice of Intent, and until the property owner withdraws the application or the displacement of the resident household, or abandons the project following approval, the resident household shall have the right to terminate the lease or rental agreement without obligation for any rent that would accrue under the lease or rental agreement after the vacation of the residential unit by the resident household. The fact that an eligible resident household elects to terminate its lease and relinquish possession of the rental unit following receipt of the notice required pursuant to Subsection 30.190.020.A, Notice of Intent, shall not constitute a waiver of the eligible resident household's right to monetary displacement assistance pursuant to Subsection 30.190.020.A, Notice of Intent absent compliance with the modification or waiver provisions specified in Section 30.190.040.

C. **Notice to New Residents.** Any prospective resident household that applies for residency after an application has been filed shall be notified in writing of the pending application prior to agreeing to occupy the rental unit. This notice shall be provided on a form approved by the Community Development Director. The failure of the property owner or applicant to give notice in accordance with this subsection shall not be a ground to deny the proposed land use action; however, the property owner shall pay monetary displacement assistance in the manner specified in Section 30.190.030,

Monetary Displacement Assistance, to each resident household that was entitled to notice pursuant to this subsection and did not receive such notice.

Chapter 30.195 Transfer of Existing Development Rights

Sections:

30.195.010 Purposes
30.195.020 Definitions
30.195.030 Transfer of Existing Development Rights Permit Required
30.195.040 Approval of Transfer of Existing Development Rights
30.195.050 Amount of Existing Development Rights That Can Be Transferred from a Sending Site to a Receiving Site
30.195.060 Elimination of Existing Development Rights from Sending Site
30.195.070 Recordation and Disclosure to Transferees of Transfer of Existing Development Rights
30.195.080 Actions Required Prior to Issuance of Permits
30.195.090 Waterfront Hotel Development Agreement

30.195.010 Purposes

A. To ensure a strong economy by providing a voluntary mechanism which would allow the transfer of existing nonresidential development rights from certain properties to certain other properties within the City, thereby encouraging economic vitality.

B. To encourage new development, but not new floor area, in a manner consistent with the City's Nonresidential Growth Management Program (Chapter 30.170, Nonresidential Growth Management Program) and Traffic Management Strategy (as approved by City Resolution No. 13-010 and dated as of March 12, 2013).

C. To promote the efficient use of under used space, and creative re-use of existing buildings.

D. To encourage uses compatible with surrounding areas.

E. To provide flexibility and opportunities for redirecting growth within the growth cap.

F. To encourage the development of a balanced community with economic diversity.

G. To stimulate revitalization of existing commercial areas of the City.

H. To accommodate large scale development that is consistent with the City's Nonresidential Growth Management Program (Chapter 30.170, Nonresidential Growth Management Program) and Traffic Management Strategy (as approved by City Resolution No. 13-010 and dated as of March 12, 2013).

I. To encourage the construction of housing.

30.195.020 Definitions

A. **Existing Development Rights.** Existing Development Rights consist of the following:

1. ***Existing Floor Area.*** The amount of nonresidential floor area of existing structures on a sending site; and

2. ***Approved Floor Area.*** Nonresidential floor area which has received all discretionary approvals from the City prior to the date of application for a transfer, provided that none of those approvals has expired prior to the date of such application; and

3. ***Demolished Floor Area.*** Nonresidential floor area of a structure, demolished after October 1988 and not subsequently reconstructed;~~.~~ and

4. ***Converted Floor Area.*** Nonresidential floor area of a structure, which has been permanently converted from nonresidential use to a residential use after October 1988.

Existing Development Rights may be aggregated from the above four categories but not so as to increase floor area above the amount allowed by the City's Nonresidential Growth Management Program (Chapter 30.170, Nonresidential Growth Management Program).

A transfer of Existing Development Rights shall transfer to the receiving site only nonresidential floor area regulated by the City's Nonresidential Growth Management Program (Chapter 30.170, Nonresidential Growth Management Program), and shall not transfer any other right, permit or approval. A transfer of Existing Development Rights shall not transfer credit for resource use by existing development on the sending site to the receiving site for purposes including, but not limited to, environmental review, development fees, or conditions of approval. The traffic impacts of a proposed transfer of Existing Development Rights shall be analyzed using the approved "City of Santa Barbara Traffic Model" as such Model has most recently been approved by a resolution of the City Council. Existing Development Rights shall be measured in square feet of floor area, except that hotel and motel rooms may be measured by room when Existing Development Rights are developed as hotel or motel rooms on the receiving site. Hotel and motel rooms which are approved but not constructed at the time of transfer approval shall be measured only in square feet of floor area.

B. **Floor Area.** Floor Area is defined pursuant to the Nonresidential Growth Management Program in Subsection 30.170.020.D, Floor Area.

C. **Hotel or Motel Room.** A hotel or motel room includes only that floor area within the walls of rooms let for the exclusive use of individuals as a temporary abiding place, and does not include any other areas. No replacement room shall be designed for rental or rented as more than one separate accommodation.

D. **Nonresidential Floor Area.** Floor area is "nonresidential" if the Community Development Director determines that the floor area was used exclusively for nonresidential

purposes in October, 1988; or that the floor area was vacant in October of 1988, and the last use of the floor area prior to the proposed transfer was nonresidential; or that the floor area was approved for nonresidential purposes as described in Paragraph A.2, Approved Floor Area, above.

E. **Receiving Site.** A site to which Existing Development Rights are transferred.

F. **Sending Site.** A site from which Existing Development Rights are transferred.

G. **Transfer of Existing Development Rights.** The transfer of Existing Development Rights as defined in Subsection A above from a sending site to a receiving site. Existing Development Rights may be transferred by sale, exchange, gift or other approved legal means, but such transfer shall not be effective until the City has approved the transfer in accordance with the provisions of this Chapter and the City's Nonresidential Growth Management Program, as specified in Chapter 30.170, Nonresidential Growth Management Program, and the conditions of the transfer have been duly satisfied.

30.195.030 Transfer of Existing Development Rights Permit Required

All Transfers of Existing Development Rights require a Transfer of Existing Development Rights (TEDR) Permit, pursuant to Chapter 30.270, Transfer of Existing Development Rights Permit.

30.195.040 Approval of Transfer of Existing Development Rights

A. **Transfer Approval.** Existing Development Rights may be transferred from Sending Site(s) to Receiving Site(s) pursuant to the provisions of this Chapter and any guidelines adopted by a resolution of the City Council in order to effectuate the purposes of this Chapter.

1. No application for a transfer from a Sending Site shall exceed the amount of floor area needed for the approved development on the Receiving Site;

2. The floor area of the proposed nonresidential development on the Receiving Site shall not exceed the sum of the amount transferred when added to the amount of Existing Development Rights on the site; and

3. The proposed nonresidential development on the Receiving Site shall comply with the development standards of the applicable zoning.

After approval, any change in the project, at either the Sending Site(s) or Receiving Site(s), which is not determined by the Community Development Director to be in substantial conformity with the approved project, shall be a new project and require a new application, review, and approval or disapproval. No transfer or receipt of Existing Development Rights shall be valid or effective unless the transfer and receipt, and proposed development for both the Sending Site(s) and Receiving Site(s) comply with all requirements of this Title and have been reviewed and approved by the City in accordance with the provisions of this Chapter and the City's Nonresidential Growth Management Program, as specified in Chapter 30.170, Nonresidential Growth Management Program, and all applicable conditions to the transfer have been satisfied.

B. **Community Priorities.** Any Existing Development Rights approved as a community priority on a sending site may be transferred only if the new development on the receiving site is also approved as a community priority.

C. **Multiple Sending and Receiving Sites.** Existing Development Rights may be transferred from more than one sending site to a single receiving site. Existing Development Rights may be transferred from one sending site to more than one receiving site.

D. **Compliance with Approved Traffic Management Strategy.** Every transfer of Existing Development Rights must comply with the Traffic Management Strategy as implemented in Section 30.170.030, Traffic Management Strategy. Any Existing Development Rights proposed for transfer must qualify for allocation at the Receiving Site.

E. **Development Agreement.** The City may require a Development Agreement, pursuant to Chapter 30.225, Development Agreements, executed by the City and the Sending Site owner or the Receiving Site owner, or both.

30.195.050 Amount of Existing Development Rights That Can Be Transferred from a Sending Site to a Receiving Site

A. The total amount of Existing Development Rights that can be transferred to a receiving site is subject to the applicable zoning of that receiving site, provisions of this Title, and any and all other applicable City rules and regulations.

B. The total amount of Existing Development Rights that can be transferred from a sending site is equal to the difference between the eliminated floor area on the sending site and the floor area of all nonresidential structures constructed or proposed to be constructed on the sending site.

30.195.060 Elimination of Existing Development Rights from Sending Site

A. Prior to the Transfer of Existing Development Rights from a sending site to a receiving site, all Existing Development Rights to be transferred shall be eliminated from the sending site.

1. ***Covenants and Methods of Elimination.*** The owner of a sending site shall eliminate floor area by one or more of the following methods and a covenant, in a form satisfactory to the City Attorney, shall be executed and recorded by each owner of the sending site. The covenant shall provide that such elimination shall continue until such time as the covenant may be released by the City, and the covenant shall be enforceable by the City.

   a. Existing floor area shall be eliminated by demolition or by converting such floor area from a nonresidential to a permanent residential use.

   b. Approved floor area shall be eliminated by relinquishing all development approvals relating to the development of such approved floor area on the sending site.

   c. Demolished floor area shall be eliminated by relinquishing all rights to rebuild such floor area on the sending site.

d. Converted floor area shall be eliminated by preserving such floor area for residential use only.

2. ***Dedication of the Sending Site.*** If no nonresidential floor area is to remain on the sending site, one or more of the following conditions must be satisfied:

a. The sending site is approved for residential development or conversion; or

b. The sending site has been offered by the owner to be dedicated to the City, or other governmental entity approved by the City, for use as a park, parking lot or other public use, and the City or other approved governmental entity has accepted the dedication; or

c. The sending site shall be used as parking or open space in conjunction with an approved development, and a covenant is recorded restricting development and use of the sending site, and all improvements are completed. If the City requires an owner to offer to dedicate a sending site to the City or other governmental entity approved by the City, such site shall be free of all defects and title shall be marketable at the time of the offer to dedicate and at the time of any acceptance. The City or other governmental entity approved by the City may accept or reject such offer in its discretion. Rejection of such offer constitutes disapproval of the proposed transfer.

30.195.070 Recordation and Disclosure to Transferees of Transfer of Existing Development Rights

A. The legal instrument by which the Existing Development Rights are transferred shall be submitted at the time of application for a transfer approval. That legal instrument, and any required development agreement shall be recorded with the County recorder after City approval of the transfer.

B. Prior to any conveyance of real property which has been approved as a sending site, the owner shall deliver to the prospective owner a written disclosure statement which shall contain all of the following:

1. A legal description of the real property to be conveyed and if different, a legal description of the sending site; and

2. The total amount of Existing Development Rights on the sending site prior to the transfer of existing development rights, and whether such Existing Development Rights derived from existing, approved, demolished, or converted floor area; and

3. The total amount of Existing Development Rights that have been transferred from the sending site, and whether such Existing Development Rights derived from existing, approved, demolished or converted floor area; and

4. A certification that the information is true and correct to the best of the owner's knowledge as of the date signed by the owner. The City shall not be liable for any error, omission, or inaccuracy contained in such disclosure.

30.195.080 Actions Required Prior to Issuance of Permits

The following actions shall be completed prior to the issuance of any necessary permit relating to any Transfer of Existing Development Rights.

A. Whenever a Sending Site owner is required by this Chapter to offer to dedicate the Sending Site to the City or other governmental entity approved by the City, and the floor area to be transferred will be eliminated by demolition, a Sending Site owner shall make such offer prior to issuance of a demolition permit for the Sending Site. If the City or other governmental entity approved by the City rejects said offer of dedication, the transfer will be considered null and void; and

B. Any Existing Development Rights, measured in square feet of floor area, or number of hotel or motel rooms when appropriate, and whether such Existing Development Rights derive from existing, approved, demolished or converted floor area, shall be clearly and accurately designated on both the Sending and Receiving Site plans; and

C. The option, deed, easement, covenant, or other legal instrument by which the Existing Development Rights are being transferred shall be reviewed and approved by the Community Development Director and the City Attorney as to form. The City shall be a party to the instrument of transfer; and

D. Proof of the elimination of the transferred floor area from the Sending Site must be reviewed and approved by the Community Development Director prior to recordation of the approved instrument of transfer; and

E. Proof of recordation of the transfer instrument, and proof of elimination of the Existing Development Rights on the Sending Site shall be accepted as satisfactory by the Community Development Director.

30.195.090 Waterfront Hotel Development Agreement

In the case of any conflict between the terms of this Chapter and the provisions of the Development Agreement between the City of Santa Barbara and American Tradition, LLC dated June 23, 2016 (the "Development Agreement"), the provisions of the Development Agreement shall control.

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Division IV: Administration and Permits

Chapter 30.200 Planning Authorities

Sections:

30.200.010 Purpose
30.200.020 City Council
30.200.030 Planning Commission
30.200.040 Staff Hearing Officer
30.200.050 Community Development Director
30.200.060 Public Works Director

30.200.010 Purpose

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

30.200.020 City Council

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

A. Initiate and act on amendments to the text and maps of the General Plan, Local Coastal Program, and Zoning Ordinance pursuant to the provisions of Chapter 30.235, General Plan and Zoning Amendments, and Chapter 30.240, Local Coastal Program Amendments.

B. Act on Specific Plans and amendments to Specific Plans pursuant to Chapter 30.265, Specific Plans.

C. Initiate and consent to Annexations.

D. Act on Development Agreements pursuant to Chapter 30.225, Development Agreements.

E. Act on proposals to revoke permits, as assigned, pursuant to Section 30.205.140, Revocation of Permits and Approvals.

F. Act on Variance requests from Street Widening Setback Lines pursuant to Subsection 30.140.200.D, Variances for Street Widening Setback Lines.

G. Act on appeals from decisions of the Planning Commission, Architectural Board of Review, Historic Landmarks Commission, and Single Family Design Board (pursuant to Title 22 of the Santa Barbara Municipal Code), pursuant to Section 30.205.150, Appeals.

H. Act on requests to designate a nonresidential construction project as a Community Benefit Project pursuant to the provisions of Chapter 30.170, Nonresidential Growth Management Program.

30.200.030 Planning Commission

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

A. All actions provided by this Title to be performed by the Planning Commission in connection with applications for, or amendments to, the following: Coastal Development Permits, as assigned; Conditional Use Permits; Development Plans, as assigned; Modifications, as assigned; Transfer of Existing Development Rights Permits, as assigned; Variances; Condominium and Hotel Conversion Permits, as assigned; Mobile Home Park Conversions; applications in the P-R Zone, as assigned; Tentative Subdivision Maps and Condominiums, as assigned pursuant to Title 27 of the Santa Barbara Municipal Code; and Planned Residence Developments.

B. Initiate and make recommendations to the City Council for amendments to the text and maps of the General Plan, Local Coastal Program, and Zoning Ordinance pursuant to Chapter 30.235, General Plan and Zoning Amendments, and Chapter 30.240, Local Coastal Program Amendments.

C. Initiate and make recommendations to the City Council on proposed, or amendments to, Specific Plans pursuant to Chapter 30.265, Specific Plans.

D. Make recommendations to the City Council on proposed, or amendments to, Development Agreements pursuant to Chapter 30.225, Development Agreements.

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

F. Act on proposals to revoke permits, as assigned, pursuant to Section 30.205.140, Revocation of Permits and Approvals.

G. Review Community Benefit Projects or Community Benefit Housing Projects exceeding the maximum building height pursuant to Subsection 30.140.110.B, Community Benefit Project or Community Benefit Housing Project.

H. Suspend any decision of the Staff Hearing Officer and hold a public hearing to review the Staff Hearing Officer decision pursuant to Subparagraph 30.205.150.A.2.c, Planning Commission Suspensions.

I. Act on appeals from decisions of the Community Development Director or Staff Hearing Officer pursuant to Section 30.205.150, Appeals.

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

30.200.040 Staff Hearing Officer

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

A. All actions provided by this Title to be performed by the Staff Hearing Officer in connection with applications for, or amendments to, the following: Modifications, as assigned; Performance Standard Permits; Storefront Collective Dispensary Permits; Development Plans, as assigned; Tentative Subdivision Maps and Condominiums, as assigned pursuant to Title 27 of the Santa Barbara Municipal Code; and Coastal Development Permits, as assigned.

B. Act on time extensions of approved Tentative Maps pursuant to Santa Barbara Municipal Code Chapter 27.07, Tentative Maps.

C. Act on proposals to revoke permits, as assigned, pursuant to Section 30.205.140, Revocation of Permits and Approvals.

D. Act on proposals for Minor Zoning Exceptions pursuant to Chapter 30.285, Zoning Information Reports.

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

30.200.050 Community Development Director

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

A. Maintain and administer this Title.

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

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

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

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

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

G. All actions provided by this Title to be performed by the Director in connection with applications for, or amendments to Transfer of Existing Development Rights Permits, as assigned.

H. Prepare Zoning Information Reports pursuant to Chapter 30.285, Zoning Information Report.

I. Determine level of coastal review pursuant to Chapter 30.50, Coastal (CZ) Overlay Zone, and document Coastal Exclusions and Coastal Exemptions, as appropriate.

J. Consider and determine the location of "Top of Bank" pursuant to Section 30.140.060, Development Along Mission Creek.

K. Process and make recommendations to the City Council, Planning Commission, Design Review bodies (pursuant to Title 22 of the Santa Barbara Municipal Code), and Staff Hearing Officer, as appropriate, on all applications, amendments, appeals and other matters upon which they have the authority and the duty to act under this Title.

L. Act on applications for time extensions of approved permits, as assigned, pursuant to Section 30.205.120, Expiration of Permits.

M. Initiate revocation procedures on violations of permit terms and conditions pursuant to Section 30.205.140, Revocation of Permits and Approvals.

N. Make Substantial Conformance Determinations pursuant to Section 30.205.130, Changes to Approved Plans.

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

P. Appoint a Staff Hearing Officer pursuant to Section 30.200.040, Staff Hearing Officer.

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

30.200.060 Public Works Director

The following powers and duties of the Public Works Director under this Title include, but are not limited to, the following:

A. Act on applications for Minor Zoning Exceptions to visibility requirements pursuant to Section 30.140.230, Visibility at Driveways and Intersections.

B. Provide consultation and make determinations on parking requirements pursuant to Chapter 30.175, Parking Regulations.

C. Other duties and powers related to travel, parking, and circulation as identified in other sections of this Title.

Chapter 30.205 Common Procedures

Sections:

30.205.010 Purpose
30.205.020 Application Forms and Fees
30.205.030 Pre-Application Review
30.205.040 Concept Review
30.205.050 Review of Applications
30.205.060 Environmental Review
30.205.070 Public Notice
30.205.080 Conduct of Public Hearings
30.205.090 Decision
30.205.100 Scope of Approvals
30.205.110 Effective Dates
30.205.120 Expiration of Permits
30.205.130 Changes to Approved Plans
30.205.140 Revocation of Permits and Approvals
30.205.150 Appeals
30.205.160 Enforcement and Penalty

30.205.010 Purpose

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

30.205.020 Application Forms and Fees

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

B. **Application Forms and Materials.**

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

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

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

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

30.205.030 Pre-Application Review

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

A. **Applicability.**

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

   a. Annexations.

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

   c. Permits for Conversion of Residential Units to Condominiums, Hotels, or Similar Uses.

   d. Development Plans of more than 3,000 square feet of new nonresidential development.

   e. Transfer of Existing Development Right Permit.

   f. Projects proposed in accordance with the Average Unit-Size Density Incentive Program, pursuant to Section 30.150.060, Pre-Application and Concept Review Required.

   g. Conditional Use Permits.

   h. General Plan and Zoning Amendments.

   i. Local Coastal Program Amendments.

   j. Specific Plans and Amendments to Specific Plans.

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

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

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

1. Chief Building Official;

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

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

E. **Expiration.** Comments and recommendations from any pre-application review are valid for a period of 12 months from the date of the Pre-Application Review Team letter. If a project is substantially revised, or if applicable policies, regulations, or procedures change that could affect the recommendations or conclusions of the pre-application review, the Team may require a subsequent pre-application review prior to formal application submittal. If, however, there are no substantial changes to either the project or any relevant policies, regulations, and procedures, the Team may allow the submittal of an application for a development project up to a maximum of 24 months after the date of the Pre-Application Review Team letter.

30.205.040 Concept Review

Concept review provides an opportunity for early input from the Planning Commission or Staff Hearing Officer to staff and applicants. It is an informal review where general information, questions, comments, and suggestions for further study may be made. Comments made at the Concept Review level are not binding for future review. The types of projects that may benefit most from a Concept Review tend to involve new or difficult issues, or large development projects.

A. **Applicability.**

1. ***Mandatory Concept Review.*** Concept review is required for the following projects:
   a. Planned Unit Development (PUD) Overlay Zone.
   b. Projects proposed in accordance with the Average Unit-Size Density Incentive Program, pursuant to Section 30.150.060, Pre-Application and Concept Review Required.
2. ***Optional Concept Review.*** Concept Review is optional for all other projects.

B. **Review Procedure.** The Planning Commission shall review the project and associated materials and advise the applicant of project-related issues and concerns.

C. **Application Requirements.** Applications for Concept Review shall be filed with the Community Development Director in accordance with the provisions set forth in Section 30.205.020, Application Forms and Fees. A conceptual plan shall be submitted showing generalized development proposals including, as applicable, lot sizes and open spaces proposed, proposed reductions or waivers, existing easements, existing neighborhood development, and any other information which may be reasonably required by the Community Development Director to aid and assist the Planning Commission in an initial consideration.

D. **Public Notice and Hearing.** All applications for Concept Review shall require public notice and hearing pursuant to Section 30.205.070, Public Notice, and Section 30.205.080, Conduct of Public Hearings.

E. **Recommendations are Advisory.** No formal action shall be taken by the Planning Commission or Staff Hearing Officer regarding the conceptual proposal. Any recommendations that result from Concept Review shall be considered advisory only and shall not be binding on either the applicant or the City.

30.205.050 Review of Applications

A. **Review Process.** The Community Development Director shall determine whether an application is complete within 30 days of the date the application is filed with the required fee, pursuant to Government Code Section 65943.

B. **Concurrent Processing.** With the exception of General Plan and Zoning Amendments, Local Coastal Program Amendments, and Specific Plans, if an application requires more than one discretionary approval under this Title, all applications shall be submitted, reviewed, heard and acted upon concurrently by the highest applicable Review Authority.

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

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

2. ***Appeal of Determination.*** Determinations of application incompleteness are subject to the provisions of Section 30.205.150, Appeals.

3. ***Submittal of Additional Information.*** The applicant shall provide the additional information within 30 days or as specified by the Community Development Director. The Community Development Director may, for good cause, grant extensions of any time limit for review of applications imposed by this Title.

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

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

E. **Review and Consideration.** Once an application is deemed complete, and CEQA review is completed, the application shall be considered by the Review Authority as outlined in this Chapter.

1. ***Prior Violations Considered.*** The City may take into consideration the fact that a property owner has been previously issued a Notice of Violation relevant to the application when the City is determining whether to grant any permit, and such Notice of Violation may be used as evidence that the use and development will be adverse to the public health, safety, or general welfare of the community.

2. ***Findings.*** Findings, when required by State law or this Title, shall be based upon consideration of the application, plans, testimony, reports, and other materials that constitute the administrative record and shall be stated in writing in the Record of Decision. The inability to make one or more of the required findings is grounds for denial of an application.

a. *Denial of Affordable Housing Projects.* When a proposed housing development project complies with the applicable General Plan, Zoning and development policies in effect at the time that the housing development project's application is determined to be complete, but the local agency proposes to disapprove the project or to approve it upon the condition that the project be developed at a lower density, the local agency shall base its decision regarding the proposed housing development project upon written findings supported by substantial evidence in the record that both of the following conditions exist:

i. The housing development project would have a specific, adverse impact upon the public health or safety unless the project is disapproved or approved upon the condition that the project be developed at a lower density, and

ii. There is no feasible method to satisfactorily mitigate or avoid the adverse impact identified pursuant to paragraph 1, other than the disapproval of the housing development project or the approval of the project upon the condition that it be developed at a lower density.

30.205.060 Environmental Review

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

30.205.070 Public Notice

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

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

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

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

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

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

1. ***Process Information***.
   a. The date, time and place of the hearing and the name of the Review Authority, or the date of action when no public hearing is required; and

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

2. ***Project Information.***

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

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

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

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

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

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

30.205.080 Conduct of Public Hearings

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

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

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

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

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

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

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

G. **Continuance of Public Hearing.** The Review Authority conducting the public hearing may, by motion, continue the public hearing to a fixed date, time and place without

additional notice; or the body conducting the public hearing may continue the item to an undetermined date and provide notice of the continued hearing in the same manner and within the same time limits as required for the original hearing.

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

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

30.205.090 Decision

When making a decision to approve, approve with conditions, revise, revoke or deny any discretionary permit or approval under this Title, the Review Authority shall issue a written Record of Decision and make findings of fact as required by this Title. The Record may take the form of a resolution, letter, notice, memo, meeting minutes or similar document, and shall describe the action taken, including any applicable conditions, and shall list the findings that were the basis for the decision. The Community Development Director or the City Clerk shall retain the original Record and provide a copy of the Record to the applicant.

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

30.205.100 Scope of Approvals

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

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

C. **Actions Subject to Enforcement.** If the construction of a structure, or the use established, is contrary to either the conditions of approval or approved project description and plans, so as to either violate any provision of this Title, or require additional permits or approvals, then the permit or approval shall be suspended and subject to possible revocation pursuant to Section 30.205.140, Revocation of Permits and Approvals, and enforcement pursuant to Section 30.205.160, Enforcement and Penalty.

D. **Periodic Review.** All approvals may be subject to periodic review to determine compliance with the permit and applicable conditions. If a condition specifies that activities

or uses allowed under the permit or approval are subject to periodic reporting, monitoring or assessments, it shall be the responsibility of the approval holder, the property owner, or successor property owners to comply with such conditions.

30.205.110 Effective Dates

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

30.205.120 Expiration of Permits

Permits and approvals granted under this Title shall automatically expire and become null and void if the approval is not exercised pursuant to Subsection A, Exercising a Permit or Approval, or the approved use, structure, or site development is not continued pursuant to Subsection B, Continuation of Use, Structure, or Site Development.

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

1. ***Time Period to Exercise a Permit or Approval.*** A permit or approval granted under this Title shall be exercised within its initial approval period unless a time extension is granted pursuant to Paragraph 30.205.120.A.2, Extensions, or as provided below.

a. *Initial Approval Period.*

i. <u>Development Plans, Transfer of Existing Development Rights Permits, and Conditional Use Permits for Overlay Zones.</u> Four years from the effective date.

ii. <u>Other Discretionary Permits or Approvals.</u> Three years from the effective date unless a different time is specified in the Record of Decision.

iii. <u>Zoning Information Reports.</u> 12 months after date of issue or until a transfer of title occurs, whichever is sooner.

iv. <u>Zoning Clearance.</u> 12 months, or the effective date of applicable ordinance changes, whichever is sooner.

b. *Multiple Land Use Approvals.* If a project requires multiple discretionary permits or approvals pursuant to Titles 22, 27, or 28 of the Santa Barbara Municipal Code, the expiration date shall be measured from date of the final action of the City on the longest discretionary permit or

approval related to the application, unless otherwise specified by State or federal law, with the following exceptions:

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

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

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

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

c. *Exclusions of Time.*

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

(1) *Moratorium.* Once a moratorium is terminated, the ~~Development Plan~~permit or approval shall be valid for the same period of time as was left to run on the ~~Development Plan~~permit or approval at the time that the moratorium was imposed or 120 days from the termination of the moratorium, whichever is later.

(2) *Litigation.*

(a) After service of the initial petition or complaint in the lawsuit upon the City, the applicant may advise the City of the need for a litigation tolling stay pursuant to the City's adopted procedures.

(b) Once the litigation ends, the ~~Development Plan~~permit or approval shall be valid for the same period of time as was left to run on the ~~Development Plan~~permit or approval at the time that the lawsuit was filed.

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

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

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

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

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

a. *Projects not involving a Tentative Subdivision Map or Lot Line Adjustment.* The Community Development Director may approve up to two one-year extensions of any permit or approval granted under this Title, except for Development Plans, which may receive only one one-year extension, upon receipt of a written application with the required fee prior to the date of expiration of the approval. Under no circumstances shall the time for exercise of the permit or approval of development be more than five years after the effective date of the approval, unless otherwise allowed by State Law or if approvals are contingent upon other governmental bodies, pursuant to Subparagraph 30.205.120.A.1.d, Approvals Contingent Upon Action of Other Governmental Bodies.

b. *Projects involving a Tentative Subdivision Map or Lot Line Adjustment.* When the permit or approval granted under this Title also includes approval of a Tentative Subdivision Map or Lot Line Adjustment, the Staff Hearing Officer is the Review Authority and may approve the requested extension in accordance with the applicable provision(s) of Title 27.

B. **Continuation of Use, Structure, or Site Development.** A use, structure, or site development authorized by the permit or approval is considered continued unless the structure or site development are demolished or substantially redeveloped pursuant to Section 30.140.040, ~~Demolition~~Substantial Redevelopment, or the uses authorized by the approval are discontinued pursuant to Section 30.140.090, Discontinuation of Use.

30.205.130 Changes to Approved Plans

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

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

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

30.205.140 Revocation of Permits and Approvals

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

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

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

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

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

30.205.150 Appeals

A. **Applicability.**

1. ***Appeals of Community Development Director Decisions.*** Any decision or determination of the Community Development Director that is subject to appeal under the terms of this Title may be appealed to the Planning Commission.
2. ***Appeals of Staff Hearing Officer Decisions.*** Decisions of the Staff Hearing Officer may be appealed to the Planning Commission or the Community Development Director in accordance with this Section.
   a. *Appeals of Staff Hearing Officer Decisions on Minor Zoning Exceptions.* Appeals of the Staff Hearing Officer decisions regarding Minor Zoning Exceptions shall be heard by the Community Development Director, and the decision of the Community Development Director shall be final, without any right of further appeal.
   b. *Appeals of all Other Staff Hearing Officer Decisions.* Appeals of all other Staff Hearing Officer decisions shall be heard by the Planning Commission.
   c. *Planning Commission Suspensions.* The Chairperson, Vice Chairperson or designated liaison of the Planning Commission may suspend a decision of the Staff Hearing Officer (except Minor Zoning Exceptions) within the 10-day appeal period. The suspension shall be processed in the same manner as an appeal. Such action shall not require any statement of reasons and shall not represent opposition to or support of an application.
3. ***Appeals of Planning Commission and Design Review Decisions.*** Decisions of the Planning Commission and Design Review may be appealed to the City Council in accordance with Chapter 1.30 and Title 22 of the Santa Barbara Municipal Code. In addition to the procedures specified in Chapter 1.30 of the

Santa Barbara Municipal Code, public notice shall be provided in the same manner required for the action that was the subject of the appeal.

4. ***Coastal Development Permits.*** Actions on some Coastal Development Permits may also be appealed to the California Coastal Commission pursuant to Subsection 30.205.150.C, Appeals to the Coastal Commission, below.

B. **Appeal Process.**

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

2. ***Time Limits.*** Unless otherwise specified in State or federal law, all appeals shall be filed in writing within ten calendar days of the date on which a written decision is issued by the decision maker. In computing the length of an appeal period, the day on which the decision was issued is excluded and the tenth calendar day of the appeal period is included. If the tenth calendar day of the appeal period falls on a day the City is closed, the appeal period shall end at the close of business on the next business day of the City.

3. ***Procedures.***

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

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

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

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

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

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

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

30.205.160 Enforcement and Penalty

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

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

1. ***Community Development Director.***

   a. It shall be the duty of the Community Development Director, with respect to new development and uses, to enforce this Title by withholding, suspending, or revoking permits, approvals, Final Inspections, or Certificates of Occupancy where plan checks or field inspections reveal that completion of the project will result in a violation of this Title.

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

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

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

C. **Enforcement.**

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

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

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

Chapter 30.210 Coastal Permits

Sections:

30.210.010 Purpose
30.210.020 Applicability
30.210.030 Coastal Development Permit
30.210.040 Emergency Permits

30.210.010 Purpose

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

30.210.020 Applicability

A. **Coastal Development Permit.** Approval of a Coastal Development Permit is required for development in the Coastal (CZ) Overlay Zone unless specifically excluded or exempted pursuant to Section 30.50.050, Exclusions and Exemptions.

B. **Emergency Permit.** In cases of an emergency, as the term emergency is defined in Section 13009 of Title 14 of the California Code of Regulations, the Community Development Director may issue an Emergency Permit in accordance with the procedures specified in Section 30.210.040, Emergency Permits.

30.210.030 Coastal Development Permit

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

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

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

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

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

ii. is located outside the coastal bluff retreat and beach erosion and wave runup screening areas as shown on the City of Santa Barbara Coastal Land Use Plan Coastal Erosion Hazard Screening Map; and

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

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

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

B. **Application Requirements.** Applications for Coastal Development Permits shall be accepted and processed pursuant to Chapter 30.205, Common Procedures, and the specific requirements of this Chapter. In addition to any other application requirements, the application for a Coastal Development Permit shall include data or other evidence in support of the applicable findings required by Subsection 30.210.030.E, Required Findings, below.

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

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

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

a. *Timing of Decision.* The Staff Hearing Officer shall not issue a decision on the application until at least 10 calendar days after notice having been given pursuant to Subsection 30.210.030.D, Public Notice.

b. *Comments.* The Staff Hearing Officer may receive written comments regarding the application and consider such written comments during the review of the application.

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

d. *Appeals.* Approval of a Coastal Development Permit pursuant to this Subsection by the Staff Hearing Officer for appealable development may be appealed to the Coastal Commission in accordance with Section 30.205.150, Appeals.

D. **Public Notice.** Public notice shall be given as specified in Chapter 30.205, Common Procedures. In addition to the recipients listed in Section 30.205.070.A, Mailed Notice, notice by First Class mail delivery shall be provided to:

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

E. **Required Findings.** A Coastal Development Permit shall only be approved if the following findings are made:

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

F. **Failure to Act Notice.**

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

30.210.040 Emergency Permits

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

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

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

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

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

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

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

1. An emergency exists and requires action more quickly than permitted by the procedures for ordinary permits, and the development can and will be completed within 30 days unless otherwise specified by the terms of the permit;
2. Public comment on the proposed emergency action has been reviewed if time allows;
3. The work proposed would be consistent with the requirements of the City's Local Coastal Program and the California Coastal Act of 1976;
4. The work proposed is the minimum action necessary to address the emergency and, to the maximum extent feasible, is the least environmentally damaging

temporary alternative for addressing the emergency. This finding shall be made with the maximum information and analysis possible given the expedited review demanded by the emergency situation; and

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

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

1. The date of issuance;
2. An expiration date;
3. The scope of work to be performed;
4. Terms and conditions of the permit. The Emergency Permit may contain conditions for removal of existing development or structures if they are not authorized in a Coastal Development Permit, or the Emergency Permit may require that a subsequent Coastal Development Permit must be obtained to authorize the removal of such existing unpermitted development or structures;
5. A provision stating that within 90 days of issuance of the Emergency Permit, a Coastal Development Permit application shall be submitted and properly filed consistent with the requirements of this Chapter seeking authorization to retain structures erected pursuant to the Emergency Permit, to remove such structures, or some other alternative;
6. A provision stating that any development or structures constructed pursuant to an Emergency Permit shall be considered temporary until authorized by a subsequent Coastal Development Permit and that issuance of an Emergency Permit shall not constitute an entitlement to the erection of permanent development or structures; and
7. A provision that states that the development authorized in the Emergency Permit must be removed unless a complete application for a Coastal Development Permit is filed within 90 days of approval of the Emergency Permit. If all or any portion of the application for the Coastal Development Permit seeking authorization for permanent retention of the development authorized pursuant to the Emergency Permit is denied, the portion of the development that is denied must be removed.

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

1. The Community Development Director shall report in writing to the Planning Commission at each meeting of the Commission the Emergency Permits applied for or issued since the last report. The report shall contain a description of the nature of the emergency and the work involved. Copies of this report shall be available at the meeting and shall have been mailed at the time the

application summaries and staff recommendations are normally distributed to all persons who have requested such notification in writing. Copies of this report shall also be sent to the South Central Coast District Office of the California Coastal Commission.

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

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

Chapter 30.215 Conditional Use Permits

Sections:

30.215.010 Purpose
30.215.020 Applicability
30.215.030 Pre-Application Review
30.215.040 Review Authority
30.215.050 Application Requirements
30.215.060 Public Notice and Hearing
30.215.070 Required Findings
30.215.080 Conditions of Approval

30.215.010 Purpose

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

30.215.020 Applicability

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

30.215.030 Pre-Application Review

Pre-Application review pursuant to Section 30.205.030, Pre-Application Review, is required prior to submittal of an application of any property owner or authorized agent for a Conditional Use Permit.

30.215.040 Review Authority

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

30.215.050 Application Requirements

Applications for Conditional Use Permits shall be accepted and processed pursuant to Chapter 30.205, Common Procedures and the specific requirements of this Chapter. In addition to any other application requirements, the application for a Conditional Use Permit shall include data or other evidence in support of the applicable findings required by Section 30.215.070, Required Findings, below.

30.215.060 Public Notice and Hearing

All applications for Conditional Use Permits shall require public notice and hearing before the Planning Commission pursuant to Chapter 30.205, Common Procedures.

30.215.070 Required Findings

A Conditional Use Permit application shall only be approved if the Review Authority makes all of the following findings.

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

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

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

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

E. The design and operation of the project and its components, including hours or manner of operation, outdoor lighting and noise generating equipment, will not be a nuisance to the use of property in the area, particularly residential use;

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

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

30.215.080 Conditions of Approval

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

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

B. Achieve the general purposes of this Title or the specific purpose of the zone district(s) in which the proposed use is located;

C. Achieve the findings for a Conditional Use Permit listed in Section 30.215.070, Required Findings, above; or

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

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

Chapter 30.220 Design Review

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

Chapter 30.225 Development Agreements

Sections:

30.225.010 Purpose
30.225.020 Procedures

30.225.010 Purpose

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

30.225.020 Procedures

The City incorporates by reference the provisions of Government Code Sections 65864-65869.5.

Chapter 30.230 Development Plan

Sections:

30.230.010 Purpose
30.230.020 Applicability
30.230.030 Review Authority
30.230.040 Application
30.230.050 Public Notice and Hearing
30.230.060 Required Findings
30.230.070 Conditions of Approval
30.230.080 Expiration, Extensions, and Changes to Approved Plans

30.230.010 Purpose

This Chapter establishes a process for consideration and review of Development Plans.

30.230.020 Applicability

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

30.230.030 Review Authority

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

A. **Planning Commission.** The following projects require action on a Development Plan by the Planning Commission:

1. Any project that requires a Development Plan and also requires another discretionary action from the Planning Commission.
2. Any nonresidential construction project (including a public utility facility) that involves the construction, addition, or conversion of more than 3,000 square feet of new nonresidential floor area.
3. Any project that requires a Development Plan and also requires the preparation of an Environmental Impact Report.

B. **Staff Hearing Officer.** Any nonresidential construction project that involves the construction, addition, or conversion of more than 1,000 but not more than 3,000 square feet of new nonresidential floor area, and which also requires another discretionary action from the Staff Hearing Officer, shall require action on a Development Plan by the Staff Hearing Officer.

C. **Design Review Body.** Any nonresidential construction project that involves the construction, addition, or conversion of more than 1,000 but not more than 3,000 square feet of new nonresidential floor area, and does not require discretionary action by the Planning Commission or Staff Hearing Officer shall require action on the Development Plan by the appropriate Design Review body.

30.230.040 Application

Applications for Development Plans shall be accepted and processed pursuant to Chapter 30.205, Common Procedures, and the specific requirements of this Chapter. In addition to any other application requirements, the application for a Development Plan shall include data or other evidence in support of the applicable findings required by Section 30.230.060, Required Findings, below.

30.230.050 Public Notice and Hearing

All applications for Development Plans shall require public notice and hearing pursuant to Chapter 30.205, Common Procedures.

30.230.060 Required Findings

A Development Plan shall only be approved if the Review Authority makes all of the following findings in addition to any other findings required by this Title.

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

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

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

D. The proposed development is consistent with the policies of the City of Santa Barbara Traffic Management Strategy (as approved by City Resolution No. 13-010 dated as of March 12, 2013) as expressed in the allocation allowances specified in Section 30.170.030, Traffic Management Strategy.

30.230.070 Conditions of Approval

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

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

B. Achieve the findings for Development Plan approval stated in this Title; or

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

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

30.230.080 Expiration, Extensions, and Changes to Approved Plans

Development Plans are effective, and may only be extended or revised as provided in Chapter 30.205, Common Procedures, except as provided below.

A. **Beginning Date – Development Plans Already Approved.** The adoption of Ordinance 5609 shall not alter the date of approval of a Development Plan approved prior to the adoption of Ordinance 5609.

B. **Specific Plan Development Plan Approvals.** For the purposes of calculating the expiration date of a Specific Plan project Development Plan approved in accordance with the Airport Industrial Area Specific Plan (SP6-AIA), Development Plan approvals shall be deemed to expire eight years after the date of the final City action approving the project Development Plan and shall include any related project approvals or Modifications granted by the City in connection therewith.

Chapter 30.235 General Plan and Zoning Amendments

Sections:

30.235.010 Purpose
30.235.020 Applicability
30.235.030 Pre-Application Review
30.235.040 Initiation
30.235.050 Application Requirements
30.235.060 Maximum Number of General Plan Amendments
30.235.070 Public Notice
30.235.080 Planning Commission Action
30.235.090 City Council Action
30.235.100 General Plan Consistency Required for Zoning Amendments
30.235.110 Post Approval Procedures

30.235.010 Purpose

This Chapter establishes a process for consideration and review of General Plan and Zoning Amendments. More specifically, the purpose of this Chapter is to:

A. Establish procedures for making changes to the General Plan to address changes in applicable law, to respond to external trends, or avert future unintended consequences.

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

30.235.020 Applicability

The procedures in this Chapter shall apply to:

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

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

30.235.030 Pre-Application Review

Pre-Application review pursuant to Section 30.205.030, Pre-Application Review, is required prior to submittal of an application of any property owner or authorized agent for initiation.

30.235.040 Initiation

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

30.235.050 Application Requirements

Applications for a General Plan or Zoning Ordinance or Map Amendment shall be accepted and processed pursuant to Chapter 30.205, Common Procedures, and the specific requirements of this Chapter. In addition to any other application requirements, the application for a General Plan or Zoning Ordinance or Map Amendment shall include such additional information and supporting data as considered necessary to process the application.

A. **Boundary Lines.** At the time of any General Plan or Zoning Map Amendment, the new or revised land use or zone boundary shall correspond to lot lines as shown on the County of Santa Barbara Assessor Parcel Maps, unless otherwise recommended by the Planning Commission.

30.235.060 Maximum Number of General Plan Amendments

Except as otherwise provided by applicable law, no mandatory element of the General Plan can be amended more frequently than four times during any calendar year. Subject to that limitation, an amendment may be made at any time, as determined by the City Council. Each amendment may include more than one change to the General Plan.

30.235.070 Public Notice

Public notice of hearings by the Planning Commission and the City Council for a General Plan or Zoning Amendment shall be given as specified in Chapter 30.205, Common Procedures. Notice of the hearing shall also be mailed or delivered at least 10 days before the hearing to any other local agency expected to provide essential facilities or services to the property that is the subject of the proposed amendment.

30.235.080 Planning Commission Action

A. **Hearing.** Following initiation, the Planning Commission shall conduct a public hearing for the purpose of making recommendations to the City Council in conformance with the provisions of Chapter 30.205, Common Procedures.

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

C. **Denial**. If the Planning Commission has recommended against the adoption of such amendment, the City Council is not required to take any further action unless an appeal is filed in accordance with Section 30.205.150, Appeals.

30.235.090 City Council Action

A. **Hearing.** After receiving the report from the Planning Commission, the City Council shall hold a public hearing in conformance with the provisions of Chapter 30.205, Common Procedures.

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

30.235.100 General Plan Consistency Required for Zoning Amendments

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

30.235.110 Post Approval Procedures

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

A. Upon the effective date of amendment, boundaries of all areas subject to a land use designation or zoning district revision, including areas to be annexed to the City, shall be described and documented in one or more of the following ways:

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

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

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

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

B. The description of the subject boundary shall also include, but not be limited to, references to contiguous lines of public alleys, public streets, highways, freeways, and railroad property existing at the time of said zoning or rezoning, as determined by the Community Development Director.

Chapter 30.240 Local Coastal Program Amendments

Sections:

30.240.010 Purpose and Applicability
30.240.020 Pre-Application Review
30.240.030 Initiation of Amendments
30.240.040 Review and Processing
30.240.050 California Coastal Commission Certification

30.240.010 Purpose and Applicability

This Chapter establishes a process for consideration and review of Local Coastal Program Amendments, consistent with the Coastal Act, including changes in the land use or zoning designation on properties where such change is warranted by consideration of location, surrounding development and timing of development; text or policy amendments to the City's Local Coastal Plan as the City may deem necessary or desirable; and amendments to any ordinances or other implementation measures carrying out the provisions of the City's Local Coastal Plan.

30.240.020 Pre-Application Review

Pre-Application review pursuant to Section 30.205.030, Pre-Application Review, is required prior to submittal of an application of any property owner or authorized agent for initiation.

30.240.030 Initiation of Amendments

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

30.240.040 Review and Processing

Amendments to the certified Local Coastal Program shall be reviewed and processed as pursuant to Chapter 30.235, General Plan and Zoning Amendments.

30.240.050 California Coastal Commission Certification

An amendment to the City's Local Coastal Program shall not take effect until it has been certified by the Coastal Commission pursuant to Chapter 6, Article 2 or the California Coastal Act.

A. Approval by the City Council of an amendment to the Local Coastal Program shall be submitted to the Coastal Commission by the City Council in accordance with Sections 30512, 30513, and 30514 of the Coastal Act.

B. Denial by the City Council of an amendment to the Local Coastal Program shall be final, with no opportunity for appeal to the Coastal Commission. However, any person proposing a public works project or a major energy facility development for which an amendment request was denied by the City Council may file with the Coastal Commission a request for an amendment pursuant to Public Resources Code Section 30515.

Chapter 30.245 Minor Zoning Exceptions

Sections:

30.245.010 Purpose
30.245.020 Applicability
30.245.030 Review Authority
30.245.040 Application Requirements
30.245.050 Public Notice and Hearing
30.245.060 Required Findings
30.245.070 Conditions of Approval

30.245.010 Purpose

This Chapter establishes a process for consideration and review of Minor Zoning Exceptions. Minor Zoning Exceptions provide a means for individual consideration and review to grant relief from the requirements of this Title, when so doing would be consistent with the purposes of the Title.

30.245.020 Applicability

Minor Zoning Exceptions may be granted whenever specified in this Title.

30.245.030 Review Authority

The Review Authority shall be as specified in any section of this Title that refers to an allowance for a Minor Zoning Exception, and shall approve, conditionally approve, or deny applications for Minor Zoning Exceptions based on consideration of the requirements of this Chapter.

30.245.040 Application Requirements

Applications for Minor Zoning Exceptions shall be accepted and processed pursuant to Chapter 30.205, Common Procedures, and the specific requirements of this Chapter. The application shall include data or other evidence in support of the applicable findings required by Section 30.245.060, Required Findings below, and accurate plans showing adjacent building footprint information which demonstrates compatibility with existing neighborhood development and how the project will minimize privacy impacts to surrounding properties.

30.245.050 Public Notice and Hearing

Minor Zoning Exceptions reviewed by any Design Review body shall require public notice and hearing pursuant to Chapter 30.205, Common Procedures.

30.245.060 Required Findings

A Minor Zoning Exception shall only be approved if the Review Authority makes all of the following findings in addition to any findings required in any section of this Title that refers to an allowance for a Minor Zoning Exception.

A. **All Minor Zoning Exceptions.** In order to grant any Minor Zoning Exception, the Review Authority shall find that granting of such exception will not be detrimental to the use and enjoyment of other properties in the neighborhood.

B. **Minor Zoning Exceptions Reviewed by the Design Review Body.** The following findings are required for a Minor Zoning Exception within the purview of the Design Review body:

1. The improvements are sited such that they minimize impacts to abutting properties;
2. The project generally complies with applicable privacy, landscaping, noise, and lighting standards in the Single Family Design Board Good Neighbor Guidelines; and
3. The improvement will be compatible with the existing development and character of the neighborhood.

30.245.070 Conditions of Approval

A. In approving a Minor Zoning Exception, the Review Authority may impose conditions deemed necessary to:

1. Achieve the general purposes of this Title or the specific purposes of the zoning district in which the project is located;
2. Minimize potential adverse impacts on neighboring properties that relate to the requested Minor Zoning Exception, proportionate to the potential impacts on neighboring properties; or
3. Mitigate impacts identified as a result of review conducted in compliance with the California Environmental Quality Act.

B. The Review Authority may require reasonable guarantees and evidence that the applicant is complying, or will comply, with the conditions of approval.

Chapter 30.250 Modifications

Sections:

30.250.010 Purpose
30.250.020 Applicability
30.250.030 Review Authority
30.250.040 Application Requirements
30.250.050 Public Notice and Hearing
30.250.060 Required Findings
30.250.070 Conditions of Approval

30.250.010 Purpose

This Chapter establishes a process for consideration and review of Modifications. Modifications provide a means for individual consideration and review to grant relief from the requirements of this Title, when so doing would be consistent with the purposes of the Title. Furthermore, it is the policy of the City to comply with the Federal Fair Housing Act, the Americans with Disabilities Act, and the California Fair Employment and Housing Act to provide reasonable accommodation to persons with disabilities seeking fair access to housing through relief from the application of certain zoning regulations.

30.250.020 Applicability

Modifications may be granted to any of the following standards:

A. Parking.

B. Setbacks, Lot Area, Floor Area, Street Frontage, Open Yard, Front Yard, Required Distances, Building Attachment.

C. Fences and Hedges.

D. Solar Access.

E. Maximum Floor Area (Floor to Lot Area Ratio).

F. Standards necessary for the Accommodation of Disabilities.

G. Standards necessary for Reconstruction of Nonconforming Structures.

H. Standards necessary for the Preservation of Historic Resources.

30.250.030 Review Authority

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

A. **Planning Commission.** The Planning Commission shall review Modifications to Maximum Floor Area (Floor to Lot Area Ratio), and all Modifications when other discretionary applications related to the project require Planning Commission action.

B. **Staff Hearing Officer.** The Staff Hearing Officer shall review all other Modifications.

30.250.040 Application Requirements

Applications for a Modification shall be accepted and processed pursuant to Chapter 30.205, Common Procedures, and the specific requirements of this Chapter. In addition to any other application requirements, the application for a Modification shall include data or other evidence in support of the applicable findings required by Section 30.250.060, Required Findings, below.

30.250.050 Public Notice and Hearing

All applications for Modifications shall require public notice and hearing pursuant to Chapter 30.205, Common Procedures.

30.250.060 Required Findings

A. **Parking Modifications for Projects Heard by the Staff Hearing Officer.** A Modification for reduced parking may only be approved if the Staff Hearing Officer finds that:

1. Reduced parking will meet anticipated parking demand generated by the project site; or
2. A physical hardship exists that would otherwise prevent reasonable use of the property for an existing single-unit residence, including but not limited to extreme slope, narrow lot width; or location of existing development.

B. **Parking Modifications for Projects Heard by the Planning Commission.** A Modification for reduced parking may only be approved if the Planning Commission finds that:

1. All of the same findings as Staff Hearing Officer above, for any project requiring Planning Commission approval; or
2. Other criteria consistent with the purposes of the parking regulations and based on unusual or unique circumstances of a particular case, as deemed appropriate by the Planning Commission.

C. **Maximum Floor Area (Floor to Lot Area Ratio).** A Modification to allow a development that would otherwise be precluded by operation of Subsection 30.20.030.~~(~~A~~)~~, Maximum Floor Area (Floor to Lot Area Ratio), may only be approved if the Planning Commission makes all of the following findings:

1. Not less than five members of the Single Family Design Board or six members of the Historic Landmarks Commission (on projects referred to the Commission pursuant to Section 22.69.030) have voted in support of the Modification following a concept review of the project;
2. The subject lot has a physical condition (such as the location, surroundings, topography, or the size or dimensions of the lot relative to other lots in the neighborhood) that does not generally exist on other lots in the neighborhood; and

3. The physical condition of the lot allows the project to be compatible with existing development within the neighborhood that comply with the floor area standard.

D. **Accommodation of Disabilities**. A Modification of any provision of this Title to allow improvements to an existing structure or site in order to provide reasonable accommodations to individuals with disabilities may only be approved if the Review Authority makes all of the following findings:

1. The project does not include new structures, demolitions or substantial redevelopment and rebuilds, or additions where the proposed project precludes a reasonable accommodation that would not require a Modification;
2. That the property which is the subject of the request for reasonable accommodation will be used by an individual or organization entitled to protection;
3. If the request for accommodation is to provide fair access to housing, that the request for accommodation is necessary to make specific housing available to an individual protected under State or federal law;
4. That the conditions imposed, if any, are necessary to further a compelling public interest and represent the least restrictive means of furthering that interest; and
5. That denial of the requested Modification would conflict with any State or federal statute requiring reasonable accommodation to provide access to housing.

E. **Preservation of Historic Resources.** A Modification of any provision of this Title to allow improvements to an existing structure or site in order to preserve a designated historic resource may only be approved if the Review Authority makes all of the following findings:

1. The Modification is consistent with the general purposes of this Title or the specific purposes of the zoning district in which the project is located;
2. The project design proposes improvements that encourage rehabilitation or adaptive re-use of a designated historic resource, as an alternative to demolition or relocation;
3. Reduction or waiver of zoning requirements would facilitate the preservation of the historic resource; and
4. The Modification approval and project after completion will be consistent with the City's Historic Resource Design Guidelines.

F. **All Other Modifications.** A decision to grant a Modification for any other standard as provided for in this Chapter shall be based on the following findings:

1. The Modification is consistent with the general purposes of this Title or the specific purposes of the zoning district in which the project is located; and
2. The Modification is necessary to accomplish any one of the following:

a. Secure an appropriate improvement on a lot; or

b. Prevent unreasonable hardship due to the physical characteristics of the site or development, or other circumstances, including, but not limited to, topography, noise exposure, irregular property boundaries, proximity to creeks, or other unusual circumstance; or

c. Result in development that is generally consistent with existing patterns of development for the neighborhood, or will promote uniformity of improvement to existing structures on the site; or

d. Construct a housing development containing affordable residential units rented or owned and occupied in the manner provided for in the City's Affordable Housing Policies and Procedures.

30.250.070 Conditions of Approval

A. In approving a Modification, the Review Authority may impose any conditions deemed necessary to:

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

2. Achieve the findings for the Modification granted; or

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

B. Modifications approved based on State or federal requirements for reasonable accommodation may be conditioned to provide for rescission or automatic expiration based on a change of occupancy or other relevant change in circumstance.

C. The Review Authority may require reasonable guarantees and evidence that the applicant is complying, or will comply, with the conditions of approval.

Chapter 30.255 Performance Standard Permit

Sections:

30.255.010 Purpose
30.255.020 Applicability
30.255.030 Review Authority
30.255.040 Application Requirements
30.255.050 Public Notice and Hearing
30.255.060 Required Findings
30.255.070 Conditions of Approval

30.255.010 Purpose

This Chapter establishes a process for consideration and review of Performance Standard Permits. Performance Standard Permits provide a process for individual consideration and review of uses that are generally consistent with the purposes of the zoning district in which they are proposed, but which have unique features that make it impractical to establish their suitability in a given location prior to their proposal.

30.255.020 Applicability

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

30.255.030 Review Authority

The Staff Hearing Officer shall approve, conditionally approve, revise or deny applications for Performance Standard Permits based on consideration of the requirements of this Chapter.

30.255.040 Application Requirements

Applications for Performance Standard Permits shall be accepted and processed pursuant to Chapter 30.205, Common Procedures, and the specific requirements of this Chapter. In addition to any other application requirements, the application for a Performance Standard Permit shall include data or other evidence in support of the applicable findings required by Section 30.255.060, Required Findings, below.

30.255.050 Public Notice and Hearing

All applications for Performance Standard Permits shall require public notice and hearing before the Staff Hearing Officer pursuant to Chapter 30.205, Common Procedures.

30.255.060 Required Findings

A Performance Standard Permit shall only be approved if the Staff Hearing Officer makes all of the following findings.

A. The proposed use is allowed with a Performance Standard Permit within the applicable zone district and complies with all specific requirements for the Performance Standard

Permit, as well as other applicable provisions of this Title and all other titles of the Municipal Code;

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

C. The site is physically suitable for the type, density, and intensity of use being proposed, including access and utilities; and

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

30.255.070 Conditions of Approval

In approving a Performance Standard Permit, the Staff Hearing Officer may impose reasonable conditions or restrictions deemed necessary to:

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

B. Achieve the findings for a Performance Standard Permit listed in Section 30.255.060, Required Findings, above; or

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

The Staff Hearing Officer may require reasonable guarantees and evidence that the applicant is complying, or will comply, with the conditions of approval.

Chapter 30.260 Recorded Agreements

Sections:

30.260.010 Purpose
30.260.020 Applicability
30.260.030 Review Authority
30.260.040 Application Requirements
30.260.050 Runs with Real Property
30.260.060 Effective Date, Amendments, and Penalties
30.260.070 Recordation
30.260.080 Procedure for Release of Recorded Agreement

30.260.010 Purpose

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

30.260.020 Applicability

A Recorded Agreement may be required by the Community Development Director on any application for a permit or approval, or may be requested by any person having a legal or equitable interest in real property, whenever there is a special situation that requires a written agreement between one or more landowners and the City.

30.260.030 Review Authority

The Community Development Director, in consultation with the City Attorney, shall determine when a Recorded Agreement is necessary in order to establish limitations associated with a code requirement, development standard, performance standard, or to guarantee access to, or use of, a structure, site development, or use. Examples include but are not limited to the following, or any combination thereof:

A. **Parking.** A recorded agreement may be requested to guarantee access to any required parking facility, loading area, driveway, or vehicle maneuvering area that overlaps multiple property lines or is provided offsite, or to establish limitations associated with valet parking, tandem parking, or shared parking arrangements such as multiple uses with different times of occupancy.

B. **Access.** A recorded agreement may be requested when necessary to establish ingress or egress, emergency access, or light and air access.

C. **Landscaping and Open Space.** A recorded agreement may be requested to establish limitations or guarantee access to any required landscaping or open space.

D. **Garbage and Refuse.** A recorded agreement may be requested to guarantee access to any garbage and refuse area that overlaps multiple property lines or is provided offsite, or to establish any limitations for any garbage or refuse collection or disposal area.

E. **Operational Limitations.** A recorded agreement may be requested to establish limitations associated with a performance standard such as required equipment necessary for the reduction of noise, odors, or similar.

F. **Lot Tie Agreement.** A "Lot Tie Agreement" may be requested in order to hold more than one contiguous parcel under common ownership as a single building site for the purposes of complying with development standards or Building Code requirements.

30.260.040 Application Requirements

An agreement, in a form satisfactory to the City Attorney, shall be executed by representatives of the City, and each owner of the lot(s) on which the agreement is necessary to establish the development limitations, access, or use. The agreement may be in the form of an easement, covenant, or other satisfactory agreement. At minimum, the agreement shall include the following information:

A. A legal description of the real property;

B. Exhibits showing the property subject to the agreement;

C. The existing and proposed uses on the lot or lots and a description of the specific standard or requirement subject to the agreement;

D. A description of any relevant nonconformities;

E. A description of how the standards or requirements are satisfied by the agreement; and

F. A description of the consequences of a violation of the agreement.

30.260.050 Runs with Real Property

A Recorded Agreement executed pursuant to this Chapter shall be enforceable by the successors in interest to the real property benefited by the Agreement, the City and any person authorized to enforce it by the City.

30.260.060 Effective Date, Amendments, and Penalties

A. The Recorded Agreement shall be effective when recorded.

B. The Recorded Agreement shall not be amended, modified or rescinded without the prior written consent of the City. An Agreement authorized by this Chapter may not be terminated except as authorized by Section 30.260.080, Procedure for Release of Recorded Agreement.

C. If at any time the terms and conditions of the agreement are not maintained, the certificate of occupancy shall automatically be suspended, and the structure or use served by the agreement shall not thereafter be occupied or used until either the terms and conditions are reestablished, or the agreement is terminated pursuant to Section 30.260.080, Procedure for Release of Recorded Agreement.

30.260.070 Recordation

The Agreement shall be recorded in the official records of the County of Santa Barbara. From and after the time of its recordation, the covenant shall impart notice thereof to all persons to the extent afforded by the recording laws of this state. Upon recordation, the burdens of the covenant shall be binding upon, and the benefits of the covenant shall inure to, all successors in interest to the real property.

30.260.080 Procedure for Release of Recorded Agreement

Any owner of property which is burdened or benefited by the Agreement may file an application for the release of the Agreement. The application shall be filed with the Community Development Director on forms approved by the Director, shall contain the information required by the Director, and be accompanied by all applicable processing fees. The Community Development Director shall review said application and shall upon a determination that the restriction of the property is no longer necessary to achieve the land use goals of the City, shall record a release of the agreement. The release of Recorded Agreements that resulted from conditions of approval by a Review Authority may require approval by the Review Authority.

Chapter 30.265 Specific Plans

Sections:

30.265.010 Purpose
30.265.020 Applicability
30.265.030 Pre-Application Review
30.265.040 Initiation
30.265.050 Application Requirements
30.265.060 Specific Plan Contents
30.265.070 Review Procedures
30.265.080 Required Findings
30.265.090 Amendments of Approved Specific Plans

30.265.010 Purpose

This Chapter establishes a process for consideration and review of Specific Plans consistent with Government Code Sections 65450 through 65454.

30.265.020 Applicability

A. The procedures of this Chapter shall apply to all proposals for the adoption or amendment of a Specific Plan.

B. Unless otherwise specified within the Specific Plan itself, it is intended that the Specific Plan will replace the base zone, and that the use regulations and development standards contained in the Specific Plan will take precedence over this Title, where applicable. An existing zone, or zones, may be specified in the Specific Plan as the base zone, in which case any exceptions to the standards of the base zone shall be provided in the Specific Plan.

30.265.030 Pre-Application Review

Pre-Application review pursuant to Section 30.205.030, Pre-Application Review, is required prior to submittal of an application of any property owner or authorized agent for initiation.

30.265.040 Initiation

An application for initiation of a Specific Plan or amendment to a Specific Plan shall be made pursuant to Chapter 30.235, General Plan and Zoning Amendments.

30.265.050 Application Requirements

Applications for a Specific Plan or amendment to a Specific Plan shall be filed pursuant to Chapter 30.235, General Plan and Zoning Amendments.

30.265.060 Specific Plan Contents

A Specific Plan may include, but is not limited to, text and diagram(s) that specify all of the following in detail:

A. The distribution, location and extent of individual land uses, including open space, within the area covered by the plan;

B. The proposed distribution, location, extent and intensity of major components of public and private transportation, sewage, water, drainage, solid waste disposal, energy, parks and other essential facilities proposed to be located within the area covered by the plan and needed to support the land uses described in the plan;

C. Land use and development standards that, at a minimum, address land use, density, height, setbacks, landscaping, and parking;

D. Standards that address the conservation, development and utilization of natural resources, where applicable;

E. A program of implementation measures, including regulations, programs, public works projects, financing measures and a statement of consistency with any existing master/capital improvement plan necessary to carry out subsections A, B and C listed above;

F. A statement of relationship of the Specific Plan to the General Plan, including a statement of how the Specific Plan implements the goals and policies of the General Plan; and

G. Any other subjects that, in the judgment of the Community Development Director, Planning Commission or City Council, are necessary or desirable for implementation of the General Plan.

30.265.070 Review Procedures

A. An application for a Specific Plan or amendment to a Specific Plan shall be reviewed and processed as a General Plan Amendment pursuant to Chapter 30.235, General Plan and Zoning Amendments.

B. In connection with adoption of a Specific Plan, the Zoning Map shall be amended by an ordinance adopted by the City Council to rezone the area covered by such Specific Plan. The Specific Plan zone shall be indicated on the Zoning Map by an SP designation and a number.

30.265.080 Required Findings

The Planning Commission shall not recommend and the City Council shall not adopt a Specific Plan or amendment thereto, unless the following findings are made:

A. The Specific Plan implements and is consistent with the General Plan; and

B. The proposed development will be superior to development otherwise allowed under conventional zoning.

30.265.090 Amendments of Approved Specific Plans

A Specific Plan may be amended to change the text or land use designation in the same manner as was adopted. Amendment of a Specific Plan is subject to the same findings as prescribed for the initial approval.

Chapter 30.270 Transfer of Existing Development Rights Permit

Sections:

30.270.010 Purpose
30.270.020 Applicability
30.270.030 Review Authority
30.270.040 Application
30.270.050 Public Notice and Hearing
30.270.060 Required Findings
30.270.070 Conditions of Approval
30.270.080 Expiration, Extensions, and Changes to Approved Plans
30.270.090 Termination of Necessary Approvals

30.270.010 Purpose

This Chapter establishes a process for consideration and review of Transfer of Existing Development Rights (TEDR) Permits.

30.270.020 Applicability

Approval of a Transfer of Existing Development Rights (TEDR) Permit is required for uses or developments specifically identified in any section of this Title that refers to a requirement for a TEDR Permit.

30.270.030 Review Authority

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

A. **Planning Commission.** The following projects require action on a TEDR Permit by the Planning Commission:

1. Any transfer of more than 1,000 square feet of Existing Development Rights from a Sending Site,
2. Any transfer that involves the transfer of a hotel room on a room-for-room basis, and
3. Any project that is constructing, adding, or converting more than 1,000 square feet of nonresidential floor area on a Receiving Site and which includes any amount of transferred Existing Development Rights.
    a. Once a TEDR Permit is approved for a Sending Site, the Sending Site TEDR Permit approval may be used for subsequent transfers of Existing Development Rights from the Sending Site as long as the Community Development Director determines that the condition of the Sending Site following such subsequent transfers will substantially conform to the original TEDR Permit.

B. **Community Development Director.** All other Transfers of Existing Development Rights must receive a TEDR Permit approval from the Community Development Director.

30.270.040 Application

Applications for TEDR Permits shall be accepted and processed pursuant to Chapter 30.205, Common Procedures, and the specific requirements of this Chapter. In addition to any other application requirements, the application for a TEDR Permit shall include data or other evidence in support of the applicable findings required by Section 30.270.060, Required Findings, below.

30.270.050 Public Notice and Hearing

TEDR Permits reviewed by the Planning Commission shall require public notice and hearing pursuant to Chapter 30.205, Common Procedures.

30.270.060 Required Findings

A TEDR Permit shall only be approved if the Review Authority makes all of the following findings in addition to any other findings required by this Title.

A. The proposed development for both the Sending and Receiving Sites are consistent with the goals and objectives of the General Plan of the City of Santa Barbara and this Title;

B. The proposed developments will not be detrimental to the site(s), neighborhood or surrounding areas;

C. Each of the proposed nonresidential developments on the respective Sending Site(s) and Receiving Site(s) will comply with all applicable provisions of this Title, and with any additional specific conditions for a transfer approval;

D. Development remaining, or to be built, on a Sending Site is appropriate in size, scale, use, and configuration for the neighborhood and is beneficial to the community; and

E. The proposed development is consistent with the policies of the City of Santa Barbara Traffic Management Strategy (as approved by City Resolution No. 13-010 dated as of March 12, 2013) as expressed in the allocation allowances specified in Section 30.170.030, Traffic Management Strategy.

30.270.070 Conditions of Approval

In approving a TEDR Permit, the Review Authority may impose reasonable conditions or restrictions deemed necessary to:

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

B. Achieve the findings for TEDR Permit approval stated in this Title; or

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

The Review Authority may require reasonable guarantees and evidence that the applicant is complying, or will comply, with the conditions of approval. Violation of any such condition may be grounds for suspension or revocation of the TEDR Permit approval or any permit or certificate of occupancy issued with respect to the TEDR Permit.

30.270.080 Expiration, Extensions, and Changes to Approved Plans

TEDR Permits are effective, and may only be extended or revised as provided in Chapter 30.205, Common Procedures.

30.270.090 Termination of Necessary Approvals

A. An approved permit for either the Sending Site(s), the Receiving Site(s), or both, may be revoked by the City, pursuant to Section 30.205.140, Revocation of Permits, if any condition of the approval of transfer of Existing Development Rights is violated or any other permit or approval necessary to approved development on either the Sending or Receiving Site(s) or both expires or is otherwise terminated.

B. Recorded Transfers of Existing Development Rights shall not terminate when the approved permit for either the Sending Site, Receiving Site(s) or both, expires or is otherwise terminated, and such transferred Existing Development Rights shall remain on the Receiving Site, and may either be developed pursuant to a new approval, or may be transferred to a new Receiving Site pursuant.

Chapter 30.275 Variances

Sections:

30.275.010 Purpose
30.275.020 Applicability
30.275.030 Review Authority
30.275.040 Application Requirements
30.275.050 Public Notice and Hearing
30.275.060 Required Findings
30.275.070 Conditions of Approval

30.275.010 Purpose

This Chapter establishes a process for consideration and review of Variances. Variances are intended to provide a mechanism for relief from the strict application of this Title where it will deprive the property owner of privileges enjoyed by similar properties because of the subject property's unique and special conditions.

30.275.020 Applicability

When practical difficulties, unnecessary hardships or results inconsistent with the general purposes of this Title occur by reason of a strict interpretation of any of the provisions of this Title, either the Planning Commission or City Council may upon its own motion, or the Planning Commission upon the verified application of any property owner or authorized agent may initiate proceedings for the granting of a Variance from the provisions of this Title. Such proceedings shall occur under conditions deemed necessary to assure that the spirit and purposes of this Title will be observed, public safety and welfare secured, and substantial justice done.

A. All acts of the Planning Commission and City Council under the provisions of this Chapter shall be construed as administrative acts performed for the purpose of assuring that the intent and purpose of this Title shall apply in special cases, as provided in this Chapter, and shall not be construed as amendments to the provisions of this Title or map.

B. Variances may be granted to vary or modify dimensional and performance standards, but Variances may not be granted to allow uses or activities that this Title does not authorize for a specific lot or site.

30.275.030 Review Authority

The Review Authority shall approve, conditionally approve, or deny applications for Variances based on consideration of the requirements of this Chapter.

30.275.040 Application Requirements

Applications for Variances shall be accepted and processed pursuant to Chapter 30.205, Common Procedures, and the specific requirements of this Chapter. In addition to any other application requirements, the application for a Variance shall include data or other evidence in support of the applicable findings required by Section 30.275.060, Required Findings, below.

30.275.050 Public Notice and Hearing

An application for a Variance shall require public notice and hearing before the Review Authority pursuant to Chapter 30.205, Common Procedures.

30.275.060 Required Findings

A Variance application shall only be approved if the Review Authority makes all of the following findings. The Review Authority shall deny an application for a Variance if it is unable to make any of the required findings, in which case it shall state the reasons for that determination. Individual economic circumstances are not a proper consideration for the granting of a Variance.

A. That there are exceptional or extraordinary circumstances or conditions applicable to the property involved, or to the intended use of the property, that do not apply generally to the property or class of use in the same zone or vicinity;

B. That the granting of such Variance will not be materially detrimental to the public welfare, or injurious to the property or improvements in such zone or vicinity in which the property is located;

C. That such Variance is necessary for the preservation and enjoyment of a substantial property right of the applicant possessed by other property in the same zone and vicinity;

D. The granting of the Variance is necessary to prevent a physical hardship which is not of the applicant's own actions or the actions of a predecessor in interest; and

E. The granting of the Variance will be consistent with the general purposes and objectives of this Title, any applicable specific plans, and of the General Plan and Local Coastal Program.

30.275.070 Conditions of Approval

In approving a Variance, the Review Authority may impose reasonable conditions deemed necessary to ensure compliance with the findings required in Section 30.275.060, Required Findings, above and may require reasonable guarantees and evidence that the applicant is complying, or will comply, with the conditions of approval.

Chapter 30.280 Zoning Clearance

Sections:

30.280.010 Purpose
30.280.020 Applicability
30.280.030 Review and Decision

30.280.010 Purpose

This Chapter establishes procedures for conducting a Zoning Clearance to verify that each new or altered structure, site development or use complies with all of the applicable requirements of this Title.

30.280.020 Applicability

A Zoning Clearance is required for the following whether allowed as a matter of right or required by any permit or approval provided for in this Title:

A. All buildings or structures erected, constructed, reconstructed, altered, repaired or moved;

B. The use of vacant land; or

C. Any new use or change in use.

30.280.030 Review and Decision

Before the City may issue any permit or approval, the Community Development Director shall review the application to determine whether the structures, site development, or use complies with all provisions of this Title and substantially conforms to any discretionary approvals, and that all conditions of such permits and approvals have been satisfied.

A. **Application.** Applications and fees for a Zoning Clearance shall be submitted in accordance with the provisions set forth in Section 30.205.020, Application Forms and Fees. The Director may request that the Zoning Clearance application be accompanied by a written narrative, plans or other related materials necessary to show that the proposed structure, site development, or use of the site complies with all provisions of this Title and the requirements and conditions of any applicable discretionary approval.

B. **Determination**. If the Director determines that the proposed structure, site development or use conforms to all applicable requirements of this Title, the Director shall issue a Zoning Clearance in the form of a physical stamp on submitted plans, an electronic signature or approval, a written memo, or other approved method. Attachments of other written or graphic information, including but not limited to, statements, numeric data, site plans, floor plans and building elevations and sections may be required, as a record of the proposal's conformity with the applicable regulations of this Title.

C. **Exceptions.** A Zoning Clearance shall not be required for the continuation of previously approved or permitted uses and structures, or uses and structures that are not subject to building or zoning regulations.

D. **Violation of Law Not Permitted.** A Zoning Clearance issued pursuant to this Chapter shall not constitute authorization to violate any provision of this Title or law, regardless of whether the Zoning Clearance purports to authorize such violation or not. A Zoning Clearance presuming to give authority to violate or cancel the provisions of this Title shall not be valid. The issuance of a Zoning Clearance based on construction documents and other data shall not prevent the Director from requiring the correction of errors in the construction documents or other data. The Director is also authorized to prevent occupancy or use of a structure where in violation of this Title.

Chapter 30.285 Zoning Information Report

Sections:

30.285.010 Purpose
30.285.020 Applicability
30.285.030 Zoning Information Report Required
30.285.040 Contents of Zoning Information Report
30.285.050 Violation of Law Not Permitted
30.285.060 Minor Zoning Exceptions for Errors in Zoning Information Reports
30.285.070 Effect of Noncompliance

30.285.010 Purpose

The purpose of this Chapter is to require a Zoning Information Report for purchasers of residential property, setting forth matters of City record pertaining to the authorized use, occupancy, zoning and the results of a physical inspection of the property. The primary purpose of the Report is to provide information to the potential buyer of residential property concerning the zoning and permitted use of the property.

30.285.020 Applicability

The provisions of this Chapter shall apply to the transfer of title of any residential property except for the following:

A. The first sale of each separate residential building located in a subdivision where the final subdivision or parcel map has been approved and recorded in accordance with the Subdivision Map Act not more than two years prior to the first sale.

B. The sale of any residential property on which a new home is under construction pursuant to a valid building permit.

C. The sale of any residential property where the final building permit inspection on a new home was issued within three months of the date on which the owner entered into the agreement for the sale of a home to the buyer.

D. The sale of a condominium unit.

30.285.030 Zoning Information Report Required

It shall be unlawful for any owner to consummate the transfer of title of residential property without providing the transferee with a Zoning Information Report.

A. **Application.** No later than five days after entering into an "agreement of sale" of any residential property, the owner or owner's authorized representative shall make application to the City for a Zoning Information Report on a form provided, and pay a fee as established by resolution of the City Council.

B. **Copy to Buyer.** The owner or owner's authorized representative shall provide a copy of the Zoning Information Report to the buyer or buyer's authorized representative

no later than three days prior to consummation of the transfer of title. The buyer or buyer's authorized representative may waive in writing the requirement for delivery three days prior to consummation of the transfer of title; however, the Report shall be provided to the buyer or buyer's authorized representative prior to the consummation of the transfer of title.

C. **Proof of Receipt.** Proof of receipt of a copy of the Zoning Information Report shall be obtained by the owner or owner's authorized representative prior to consummation of the transfer of title. Said proof shall consist of a statement signed by the buyer or buyer's authorized representative stating that the Report has been received, the date of the Report and the date it was received. The original of the signed proof of receipt shall submitted to the Community Development Director no later than the consummation of the transfer of title.

30.285.040 Contents of Zoning Information Report

The Community Development Director shall review the applicable City records and provide the applicant the following information on the Zoning Information Report:

A. Street address and parcel number of the property.

B. The zone classification and permitted uses as set forth in the Zoning Ordinance.

C. Occupancy and use permitted as indicated and established by records.

D. Variance, Performance Standards Permits, Conditional Use Permits, Modifications and other administrative acts of record.

E. Any special restrictions in use or development which are recorded in City records and may apply to the property.

F. Any known nonconformities or violations of any ordinances or law.

G. The results of a physical inspection for compliance with the Zoning Ordinance and for compliance with Chapter 14.46, Building Sewer Inspections, of the Santa Barbara Municipal Code.

H. A statement of whether the real property has had a Building Sewer Lateral Report prepared for the real property pursuant to the requirements of Chapter 14.46, Building Sewer Inspections, of the Santa Barbara Municipal Code, within the five-year period prior to the preparation of the Zoning Information Report and, if so, that a copy of the Building Sewer Lateral Report is available from the City for the buyer's inspection.

I. An advisory statement prepared by the Public Works Director which advises a purchaser of residential real property regarding the potential problems and concerns caused by an inadequate, failing, or poorly-maintained Building Sewer Lateral and advisers a purchaser to obtain a recently-prepared Building Sewer Lateral Inspection Report.

30.285.050 Violation of Law Not Permitted

Any Zoning Information Report issued pursuant to this Chapter shall not constitute authorization to violate any ordinance or law, regardless of whether the Report purports to authorize such violation or not.

30.285.060 Minor Zoning Exceptions for Errors in Zoning Information Reports

If a discrepancy or error in a Zoning Information Report involves one or more of the zoning violations specified in this Section, the property owner may request a Minor Zoning Exception, pursuant to Chapter 30.245, Minor Zoning Exception and this Section, to obtain relief from the zoning standard up to the maximum amount of relief specified for the particular zoning standard.

A. **Applicability.** Minor Zoning Exceptions may be requested for the following:

1. ***Development Closer than Five Feet to an Interior Property Line, Conversion of Covered Parking to Another Use.*** The conversion of a garage or carport that encroaches into an interior setback to a use other than covered parking (such as storage, workshop, bedroom, or similar) may be granted a Minor Zoning Exception, provided that the number and configuration of parking space(s) required at the time of the conversion is provided on-site.

2. ***Decks.*** Decks with a total area of not more than 200 square feet, attached to a main building, not extending above the finished floor level of the ground floor, and no closer than two feet to an interior lot line may be granted a Minor Zoning Exception.

3. ***Additions Exceeding the Maximum FAR.*** Additions of floor area to a residence that exceeded the maximum allowed Floor to Lot Area Ratio (FAR) in effect at the time the errant Report was prepared may be granted a Minor Zoning Exception, if the additional floor area is contained within the volume of the legally permitted building (i.e., a loft, cellar, etc.).

Other alterations, additions, and development may be permitted pursuant to Chapter 30.165, Nonconforming, Structures, Site Development and Uses.

B. **Review Authority.** The Staff Hearing Officer shall review Minor Zoning Exceptions for Errors in Zoning Information Reports.

C. **Required Findings.** A Minor Zoning Exception for an error in a Zoning Information Report shall only be granted if the following findings are made in addition to any other findings required by Chapter 30.245, Minor Zoning Exception:

1. A material discrepancy or error has occurred in the preparation of a Zoning Information Report regarding the subject property, and the discrepancy or error directly involves the zoning standard from which relief is sought;

2. Substantial evidence has been provided that indicates the improvement for which relief is sought existed in its current form on the site a minimum of 30 years prior to the Zoning Information Report inspection date;

3. The Minor Zoning Exception does not involve the permanent removal of a significant component or a character defining element from a historic resource, potential historic resource, or an un-surveyed building located in a Demolition Review Study Area which is more than 50 years old; and
4. The project generally complies with applicable privacy, landscaping, noise, and lighting standards in the Single Family Design Board Good Neighbor Guidelines.

30.285.070 Effect of Noncompliance

The failure to comply with the provisions of this Chapter shall not invalidate the transfer or conveyance of real property to a bona fide purchaser or encumbrancer for value.

Chapter 30.290 Zoning Upon Annexation

Sections:

30.290.010 Purpose
30.290.020 Applicability
30.290.030 Procedure
30.290.040 Effective Date of Zoning and Time Limit

30.290.010 Purpose

The purpose of this Chapter is to establish a procedure for zoning property upon annexation.

30.290.020 Applicability

Unincorporated territory adjoining the City may be pre-zoned for the purpose of determining the zoning that will apply to such property upon annexation.

30.290.030 Procedure

Zoning of property to be annexed shall be either:

A. Established through initiation and processing according to the procedures established under Chapter 30.235, General Plan and Zoning Amendments; or

B. RS-1A pursuant to Chapter 30.20, Residential Zones.

30.290.040 Effective Date of Zoning and Time Limit

The zoning of the property to be annexed shall become effective at the time that annexation to the City becomes effective pursuant to Government Code Section 56000 et. seq. If the subject area has not been annexed to the City within five years of the date of City Council approval, the zoning approval is subject to reconsideration by the Planning Commission and the Council.

Division V: General Terms

Chapter 30.295 Use Classifications

Sections:

30.295.010 Purpose and Applicability
30.295.020 Residential Use Classifications
30.295.030 Public and Semi-Public Use Classifications
30.295.040 Commercial Use Classifications
30.295.050 Industrial Use Classifications
30.295.060 Transportation, Communication, and Utilities Use Classifications

30.295.010 Purpose and Applicability

Use classifications describe one or more uses of land having similar characteristics but do not list every use or activity that may appropriately be within the classification. The Community Development Director shall determine whether a specific use shall be deemed to be within one or more use classifications or not within any classification in this Chapter. The Director may determine that a specific use shall not be deemed to be within a classification, whether or not named within the classification, if its characteristics are substantially incompatible with those typical of uses named within the classification.

30.295.020 Residential Use Classifications

A. **Residential Housing Types.**

1. ***Single-Unit Residential***. One residential unit and up to one Accessory Dwelling Unit located on a single lot. This classification includes individual mobilehomes and manufactured housing units installed on a foundation system pursuant to Section 18551 of the California Health and Safety Code and meeting the standards of Section 30.185.270, Mobilehomes, Recreational Vehicles and Modular Units, Individual Use.

2. ***Two-Unit Residential.*** No more than two residential units located on a single lot. The residential units may be located in a single building that contains two residential units (also known as a duplex) or in two detached buildings.

3. ***Multi-Unit Residential.*** Three or more attached or detached residential units on a single lot. Types of multi-unit residential include townhouses, multiple detached residential units (e.g. bungalow court), and multi-story apartment buildings.

B. **Special Residential Unit Types.**

1. ***Accessory Dwelling Unit.*** An attached or a detached residential dwelling unit which provides complete independent living facilities for one or more persons. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single residential unit is situated and meeting the standards of Section 30.185.040, Accessory Dwelling Unit. An accessory dwelling unit also includes the following:

   a. An efficiency unit, as defined in Section 17958.1 of Health and Safety Code.

   b. A manufactured home, as defined in Section 18007 of the Health and Safety Code.

2. ***Additional Residential Unit.*** A detached residential unit that provides independent living facilities, located on a single lot with another single-unit residence, and meeting the standards of Section 30.185.050, Additional Residential Unit.

3. ***Caretaker Unit.*** A residential unit occupied by employees, owners, managers, or caretakers of a primary business use on the site and meeting the standards of Section 30.185.120, Caretaker Unit.

4. ***Garden Apartment.*** A development consisting of multi-unit residential building(s), each containing between four and eight residential units, located on a single lot under one ownership and meeting the standards of Section 30.185.180, Garden Apartments.

5. ***Planned Residential Development.*** A coordinated residential development meeting the standards of Section 30.185.330, Planned Residential Development.

C. **Community Care Facilities, Residential Care Facilities for the Elderly, and Hospices**

1. ***Community Care Facility.*** A State-licensed facility, place or building which is maintained and operated to provide non-medical residential care, day treatment, adult day care, or foster family agency services for children, adults, or children and adults, including, but not limited to, the physically handicapped, mentally impaired, incompetent persons, and abused or neglected children, as further defined in Chapter 3 of Division 2 of the California Health and Safety Code.

2. ***Hospice.*** A State-licensed facility which provides 24-hour nursing and supportive care and other services in a home-like setting to persons who have a medical diagnosis of terminal illness.

3. ***Residential Care Facility for the Elderly.*** A housing arrangement where residents are 60 years of age or older and where varying levels of care and supervision are provided as agreed to at time of admission or as determined

necessary at subsequent times of reappraisal. Persons under 60 years of age with compatible needs may be allowed to be admitted or retained in such a facility, not to exceed 25 percent of the residents, as further defined in Chapter 3.2 of Division 2 of the California Health and Safety Code.

D. **Family Day Care Home.** A State-licensed facility which regularly provides care, protection, and supervision of children under 18 years of age in the provider's own home, for periods of less than 24 hours per day, while the parents or guardians are away, as further defined and permitted pursuant to the California Health and Safety Code and other applicable State Regulations. The term "Family Day Care Home" includes the terms "Large Family Day Care Home" and "Small Family Day Care Home" as such terms are defined in Sections 1597.465 and 1597.44 of the California Health and Safety Code.

1. ***Small.*** As defined in Section 1597.44 of the California Health and Safety Code.

2. ***Large.*** As defined in Section 1597.465 of the California Health and Safety Code.

E. **Group Residential.** Shared living quarters without separate kitchen facilities for each room or unit, where five or more rooms or beds are rented individually to tenants under separate rental agreements, and meal service is typically included in the price of lodging. This classification includes convents and monasteries, rooming and boarding houses, dormitories and other types of organizational housing intended for long-term occupancy (more than 30 consecutive calendar days) but excludes Hotels and Similar Uses, and State-licensed facilities for Residential Care and Supportive and Transitional Housing.

F. **Home Occupation.** A nonresidential use conducted on residential property by the inhabitants of the subject residence, which is incidental and secondary to the residential use of the residential unit.

G. **Live-Work Unit.** A combined work space and residential unit occupied and used by a single household in structure that has been constructed for such use or converted from commercial use and structurally modified to accommodate residential occupancy and work activity in compliance with the California Building Code. The working space is reserved for one or more occupants of the unit.

H. **Mobilehome Park.** An area of land where two or more mobilehome spaces are rented, or held out for rent, to accommodate mobilehomes for more than 30 consecutive calendar days.

I. **Recreational Vehicle Parks, Permanent.** An area of land where two or more recreational vehicle spaces are rented, or held out for rent, to accommodate recreational vehicles for residential purposes for more than 30 consecutive calendar days.

J. **Supportive Housing.** As defined in Section 65582 of the Government Code.

K. **Transitional Housing.** As defined in Section 65582 of the Government Code.

30.295.030 Public and Semi-Public Use Classifications

A. **Cemetery.** Establishments primarily engaged in operating sites or structures reserved for the interment of human or animal remains, including mausoleums, burial places, and memorial gardens.

B. **College and Trade School.** Public, non-profit, or private institutions of higher education providing curricula of a general, religious or professional nature, typically granting recognized degrees, including conference centers and academic retreats associated with such institutions. This classification includes junior colleges, business and computer schools, management training, technical and trade schools, but excludes personal instructional services such as music lessons.

C. **Community Assembly.** A facility for public or private meetings including community centers, banquet centers, religious assembly facilities, civic and private auditoriums, union halls, meeting halls for clubs and other membership organizations. This classification includes functionally related facilities for the use of members and attendees such as kitchens, multi-purpose rooms, and storage. It does not include gymnasiums or other sports facilities, convention centers, or facilities, such as day care centers and schools, that are separately classified and regulated.

D. **Community Garden.** The outdoor use of land for the cultivation of agricultural products grown for personal use by the gardeners, or for donations, but not for sale. Use of land for and limited to the cultivation of herbs, fruits, flowers, or vegetables, including the cultivation and tillage of soil and the production, cultivation, growing, and harvesting of any agricultural, floricultural, or horticultural commodity, by several individuals or households but not including on-site sales.

E. **Cultural Institution.** Public or non-profit institutions engaged primarily in the display or preservation of objects of interest in the arts or sciences that are open to the public on a regular basis. This classification includes performing arts centers for theater, music, dance, and events; buildings of an educational, charitable or philanthropic nature; libraries; museums; historical sites; aquariums; and zoos and botanical gardens.

F. **Day Care Center.** Establishments providing non-medical care for persons on a less than 24-hour basis other than Family Day Care. This classification includes nursery schools, preschools, and day care facilities for children or adults, and any other day care facility licensed by the State of California.

G. **Emergency Shelter.** A temporary, short-term residence providing housing with minimal supportive services for homeless families or individual persons where occupancy is limited to six months or less, as defined in Section 50801 of the California Health and Safety Code. Minimal supportive services shall mean administrative offices, intake and waiting areas, kitchen and dining facilities, and laundry facilities as long as the facilities are directly related to the operation of the emergency shelter or for the exclusive use of the residents of the emergency shelter. Homeless shelters providing more than minimal supportive services or supportive services to persons other than the residents of the shelter are considered Social Service Facilities.

H. **Harbor, Port, and Marina Facilities.** Facilities that provides a range of services related to the use of boats and other watercraft and commercial and recreational fishing. Services may include, but are not limited to, boat moorings; sales, storage, construction, repair, and maintenance of boats, boat parts, and other marine-related items; marine fueling stations and washing facilities; seafood processing, boat and watercraft charter operations; offices; bait and tackle shops; and hardware sales.

I. **Hospitals and Clinics.** State-licensed facilities providing medical, surgical, psychiatric, or emergency medical services to sick or injured persons. This classification includes facilities for inpatient or outpatient treatment, including substance-abuse programs as well as training, research, and administrative services for patients and employees. This classification excludes veterinaries and animal hospitals (see Animal Care, Sales, and Services).

1. ***Hospital.*** A facility providing medical, psychiatric, or surgical services for sick or injured persons primarily on an in-patient basis, and including ancillary facilities for outpatient and emergency treatment, diagnostic services, training, research, administration, and services to patients, employees, or visitors.

2. ***Clinic.*** A facility providing medical, psychiatric, or surgical service for sick or injured persons exclusively on an out-patient basis including emergency treatment, diagnostic services, administration, and related services to patients who are not lodged overnight. Services may be available without a prior appointment. This classification includes licensed facilities offering substance abuse treatment, blood banks and plasma centers, and emergency medical services offered exclusively on an out-patient basis. This classification does not include private medical and dental offices that typically require appointments and are usually smaller scale.

3. ***Birth Center.*** Facilities to assist in human births, but is not licensed as a hospital.

J. **Instructional Services.** Establishments that offer specialized programs in personal growth and development such as arts, music, martial arts, vocal, fitness and dancing, cooking, language, or media arts instruction.

K. **Park and Recreation Facility.** Parks, playgrounds, recreation facilities, trails, wildlife preserves, and related open spaces.

L. **Public Facility.** Facilities owned or operated by a governmental agency providing services such as clerical or public contact offices, police and fire protection including any indoor shooting range operated by and for a law enforcement agency, and emergency medical services. This classification excludes corporation yards, equipment service centers, and similar facilities that primarily provide maintenance and repair services and storage facilities for vehicles and equipment (see Public Works and Utilities).

M. **Recreational Vehicle and Camping Parks, Overnight.** Any area of land where two or more recreational vehicles or camping spaces are rented, or held out for rent, for

overnight stay in tents, tarpaulins, or other camping facilities or in recreational vehicles for 30 consecutive calendar days or less.

N. **Schools.** Facilities for primary or secondary education giving general academic instruction equivalent to the standards prescribed by the State Board of Education; or, a non-profit institution or center of advanced study and research in the field of learning equivalent to or higher than the level of standards prescribed by the State Board of Education; including public schools, charter schools, and private and parochial schools.

O. **Skilled Nursing Facility.** Establishments that provide 24-hour medical, convalescent or chronic care to individuals who, by reason of advanced age, chronic illness or infirmity, are unable to care for themselves, and is licensed as a skilled nursing facility by the State of California, including but not limited to, rest homes and convalescent hospitals, but not Residential Care, Hospitals, or Clinics.

P. **Social Service Facilities.** Any noncommercial facility, such as homeless shelters, domestic violence shelters and facilities providing social services such as job referral, housing placement and which may also provide meals, showers, clothing, groceries, or laundry facilities, typically for 30 consecutive calendar days or less. Specialized programs and services related to the needs of the residents may also be provided.

30.295.040 Commercial Use Classifications

A. **Adult Entertainment Facilities.** As defined in Section 30.185.060, Adult Entertainment Facilities.

B. **Agriculture.** The outdoor use of land for the cultivation and wholesale of agricultural products produced on the premises. Agriculture includes tilling of the soil, the raising of crops, horticulture and the harvesting, sorting, cleaning, packing and shipping of agricultural products produced on the premises preparatory to sale or shipment in their natural form including all activities or uses customarily incidental thereto, but not including retail sales, the commercial packing or processing of products not grown on the premises or any other use which is similarly objectionable because of odor, smoke, dust, fumes, vibration or danger to life or property. This classification does not include the following uses: slaughter house, fertilizer works, commercial dairying, pasturage agriculture, commercial animal and poultry husbandry, or operations for the reduction of animal matter.

C. **Animal Care, Sales and Services.** Retail sales and services related to the boarding, grooming, and care of household pets including:

1. ***Animal Daycare.*** Facilities providing non-medical care on a less than 24-hour basis for four or more dogs, cats, or other household pets not owned by the business owner or operator.

2. ***Animal Shelter and Boarding.*** A commercial, non-profit, or governmental facility for keeping, boarding, training, breeding or maintaining, generally overnight or in excess of 24 hours, four or more dogs, cats, or other household

pets not owned by the business owner or operator. Typical accessory uses include veterinary and grooming services for boarded animals, but exclude pet stores, grooming, and veterinary services for non-boarded animals.

3. ***Grooming and Pet Stores.*** Retail sales and the accommodation of household pets on-site intended for retail sales, but not including boarding or breeding. Grooming or selling of dogs, cats, and similar small animals. Typical uses include dog bathing and clipping salons, pet grooming shops, and pet stores and shops. This classification excludes dog walking and similar pet care services not carried out at a fixed location, and excludes pet supply stores that do not sell animals or provide on-site animal services.

4. ***Veterinary Services.*** Veterinary services for small animals. This classification allows 24-hour accommodation of animals receiving medical services but does not include boarding or breeding.

D. **Aquaculture Facilities.** Facilities for the cultivation of marine or freshwater fish, shellfish, or plants under controlled conditions. Aquaculture includes aquaponics which integrates aquaculture with hydroponics by recycling the waste products from fish to fertilize hydroponically growing plants.

E. **Artist Studio.** Work space for an artist or artisan including individuals practicing one of the fine arts or performing arts, or skilled in an applied art or craft. This use may include incidental retail sales of items produced on the premises and does not include joint living and working units or uses that are generally industrial in nature (See Custom Manufacturing).

F. **Automated Teller Machine (ATM)**. An electronic device from which a person is able to withdraw cash, make a deposit, or undertake other financial transactions.

G. **Automobile/Vehicle Sales and Services.** Retail or wholesale businesses that sell, rent, or repair automobiles, boats, personal watercraft, recreational vehicles, trucks, vans, trailers, scooters, and motorcycles including the following:

1. ***Automobile/Vehicle Rentals.*** Rental of automobiles or vehicles. Typical uses include car rental agencies.

2. ***Automobile/Vehicle Sales and Leasing.*** Sale or lease, retail or wholesale, of automobiles, light-duty trucks, boats, personal watercraft, motorcycles, scooters, recreational vehicles, together with associated repair services and parts sales, but excluding body repair and painting. Typical uses include automobile dealers and recreational vehicle sales agencies. This classification does not include automobile brokerage and other establishments which solely provide services of arranging, negotiating, assisting, or effectuating the purchase of an automobile for others.

3. ***Car Washing Facilities.*** Washing, waxing, or cleaning of automobiles or similar light vehicles.

a. *Automatic Car Wash.* An establishment where washing, drying, and polishing of an automobile occurs in a car wash bay, in which the owner of the vehicle activates the system, and the automobile washing machine cleans the exterior of the vehicle.

b. *Full Service Car Wash.* An establishment where operating functions are performed entirely by the business operator with the use of washing, waxing, and drying equipment supplemented with manual detailing by the business operator.

c. *Self Service Car Wash.* An establishment where washing, drying, polishing, or vacuuming of an automobile is done entirely by the owner or occupant of the vehicle.

4. ***Fueling Station.*** Establishments primarily engaged in retailing automotive fuels or retailing these fuels in combination with activities, such as providing minor automobile/vehicle repair services; selling automotive oils, replacement parts, and accessories; or providing incidental food and retail services including mini-markets.

5. ***Service and Repair, Minor.*** The service and repair of automobiles, light-duty trucks, boats, personal watercraft, motorcycles and scooters, including the incidental sale, installation, and servicing of related equipment and parts. This classification includes the replacement of small automotive parts and liquids as an accessory use to a gasoline sales station or automotive accessories and supply store, and quick-service oil, tune-up and brake and muffler shops where repairs are made or service provided in enclosed bays and no vehicles are stored overnight. This classification excludes disassembly, removal or replacement of major components such as engines, drive trains, transmissions or axles; automotive body and fender work, vehicle painting or other operations that generate excessive noise, objectionable odors or hazardous materials, and towing services. It also excludes repair of heavy trucks, or construction vehicles.

H. **Banks and Financial Institutions.** Financial institutions providing retail banking services. This classification includes only those institutions serving retail banking customers or clients, including banks, savings and loan institutions, check-cashing services, and credit unions.

I. **Business Services.** Establishments providing goods and services to other businesses on a fee or contract basis, including printing and copying, blueprint services, advertising and mailing, equipment rental and leasing, office security, custodial services, photo finishing, model building, taxi or delivery services with three or fewer fleet vehicles on-site.

J. **Commercial Entertainment and Recreation.** Provision of participant or spectator entertainment to the general public.

1. ***Cinema/Theaters.*** Facilities for indoor display of films, motion pictures, or dramatic, musical, or live performances. This classification may include incidental food and beverage services to patrons.

2. ***Large-scale.*** This classification includes large, generally outdoor facilities such as sports stadiums and arenas, amphitheaters, drive-in theaters, driving ranges, golf courses, outdoor tennis clubs, lawn bowling, batting cages, ice or roller skating rinks, swimming or wave pools, miniature golf courses, archery, and riding stables. This classification may include restaurants, snack bars, and other incidental food and beverage services to patrons. This classification does not include outdoor shooting ranges, gun ranges, and any similar activities involving the discharge of firearms.

3. ***Small-scale.*** This classification includes small, generally indoor facilities such as billiard parlors, card rooms, health clubs (includes facilities that offer group exercise classes such as yoga and aerobics, and personal training facilities), gymnasiums, dance halls, amusement arcades, facilities for basketball, handball, racquetball, and tennis. This classification may include restaurants, snack bars, and other incidental food and beverage services to patrons. This classification does not include shooting ranges, gun ranges, and any similar activities involving the discharge of firearms.

K. **Drive-Through Facility**. A motor vehicle drive-through facility which is a commercial structure or portion thereof which is designed or used to provide goods or services to the occupants of motor vehicles. It includes, but is not limited to, banks and other financial institutions, fast food establishments, and film deposit/pick-up establishments, but shall not include drive-in movies, gasoline stations, or car-wash operations.

L. **Eating and Drinking Establishments.** Businesses primarily engaged in serving prepared food or beverages typically for on-site consumption.

1. ***Bars/Night Clubs/Lounges.*** Businesses serving beverages, including beer, wine, and mixed drinks, for consumption on the premises as a primary use.

2. ***Food and Beverage Tasting.*** Businesses serving samples of food or beverages; typically an ancillary use associated with a production facility such as wine or beer making, or retail sales.

3. ***Full Service***. Restaurants providing food and beverage services to patrons who order and are served while seated and pay after eating. Takeout service may be provided.

4. ***Convenience.*** Establishments where food and beverages may be consumed on the premises, taken out, or delivered, but where food is paid for at the time it is ordered. This classification includes cafes, cafeterias, coffee shops, fast-food restaurants, carryout sandwich shops, limited service pizza parlors and delivery shops, self-service restaurants, snack bars and takeout restaurants.

M. **Food Preparation.** Businesses engaged in preparing or packaging fresh food for either on-site or off-site consumption. With the exception of caterers or commercial kitchens, these businesses will have a storefront retail component, but will not include wholesale, distribution, processing, or industrial manufacturing of food products. Typical uses include catering kitchens, food commissary, commercial kitchen, retail bakeries with less than 10 employees, delicatessens, meat or seafood market, or confectionary shops. (For bakeries with more than 10 employees, see Food and Beverage Manufacturing.)

N. **Funeral Parlors and Interment Services.** An establishment primarily engaged in providing services involving the care, preparation, or disposition of human or animal remains and conducting memorial services. Typical uses include a crematory, columbarium, mausoleum, or mortuary.

O. **Hotels and Similar Uses.** Establishments providing overnight accommodations to transient patrons for payment. This classification includes establishments that offer accommodations for periods of 30 consecutive calendar days or less. Establishments may provide additional services, such as conference and meeting rooms, restaurants, bars, or recreation facilities available to guests or to the general public. This use classification includes, but is not limited to, auto courts, bed and breakfast inns, hostels, inns, motels, motor lodges, timeshare projects, and tourist courts, but does not include rooming houses, boarding houses, or private residential clubs.

P. **Maintenance and Repair Services.** Establishments engaged in the maintenance or repair of electronics, office machines, household appliances and equipment, furniture, and similar items. This classification excludes maintenance and repair of vehicles or boats (see Automotive/Vehicle Sales and Services) and personal apparel (see Personal Services).

Q. **Market Garden.** The outdoor use of land for the cultivation and retail sale of agricultural products produced on the premises. This includes the sale of food or value-added food products, such as jams and jellies, that are grown on-site, but does not include the preparation of food and beverages for on-site consumption. The food may be sold directly to consumers, restaurants, stores, or other buyers, or at Farmers Markets.

R. **Medical Cannabis Dispensaries.** As defined in Section 30.185.250, Medical Cannabis Dispensaries.

S. **Mobile Food Vendors.** A self-contained vehicle that is readily movable without disassembling, and is used to sell or prepare and serve food and beverages.

T. **Nurseries and Garden Centers.** Establishments primarily engaged in retailing nursery and garden products, such as trees, shrubs, plants, seeds, bulbs, and sod, which are predominantly grown elsewhere. These establishments may sell a limited amount of a product they grow themselves. Fertilizer and soil products are stored and sold in package form only. This classification includes wholesale and retail nurseries offering plants for sale.

U. **Offices.** Offices of firms or organizations providing professional, executive, management, administrative or design services, such as accounting, architectural, computer software design, engineering, graphic design, interior design, investment, insurance, and legal offices, excluding banks and savings and loan associations (see Banks and Financial Institutions). This classification also includes offices where medical and dental services are provided by physicians, dentists, chiropractors, acupuncturists, optometrists, and similar medical professionals, including medical/dental laboratories within medical office buildings but excluding clinics or independent research laboratory facilities and hospitals (see Hospitals and Clinics).

1. ***Business and Professional.*** Offices of firms or organizations providing professional, executive, management, or administrative services, such as accounting, architectural, computer software design, engineering, graphic design, interior design, legal offices and tax preparations offices.

2. ***Medical and Dental.*** Office use providing consultation, diagnosis, therapeutic, preventive, or corrective personal treatment services by doctors, dentists, medical and dental laboratories, and similar practitioners of medical and healing arts for humans licensed for such practice by the state of California. Incidental medical or dental research within the office is considered part of the office use, where it supports the on-site patient services.

V. **Outdoor Sales and Display.** The sales and display of merchandise outside an enclosed building as an extension of an indoor operation or establishment.

W. **Outdoor Seating.** An unenclosed seating area located outdoors and designated for patrons of an on-site establishment that serves or sells food or beverages. May be covered or uncovered.

X. **Parking, Public or Private.** Surface lots and structures for use of occupants, employees, or patrons on the subject site or offering parking to the public with or without a fee when such use is not incidental to another on-site activity.

Y. **Personal Services.** Provision of recurrently needed services of a personal nature. This classification includes health and medical spas, barber shops and beauty salons, seamstresses, tailors, tattoo parlors, dry cleaning agents (excluding large-scale bulk cleaning plants), shoe repair shops, self-service laundries, photocopying and photo finishing services, and travel agencies mainly intended for the consumer. This classification also includes massage establishments in which all persons engaged in the practice of massage are certified pursuant to the California Business and Professions Code Section 4612. (For health clubs and gymnasiums, See Commercial Entertainment and Recreation, Small-Scale.)

Z. **Retail Sales.**

1. ***Food and Beverage Sales.*** Retail sales of food and beverages for off-site preparation and consumption. Typical uses include food markets, groceries, and liquor stores.

2. ***General Retail.*** The retail sale or rental of merchandise not specifically listed under another use classification. This classification includes retail establishments such as department stores, clothing stores, furniture stores, pet supply stores, hardware stores, and businesses retailing the following types of goods: toys, hobby materials, handcrafted items, jewelry, cameras, photographic supplies and services (including portraiture and retail photo processing), medical supplies and equipment, pharmacies, electronic equipment, sporting goods, kitchen utensils, hardware, appliances, antiques, art galleries, art supplies and services, paint and wallpaper, carpeting and floor covering, office supplies, bicycles, video rental, and new automotive parts and accessories (excluding vehicle service and installation). Retail sales may be combined with other services such as office machine, computer, electronics, and similar small-item repairs.

3. ***Neighborhood Market.*** Establishments primarily engaged in the provision of frequently or recurrently needed food, beverages, or small personal items for residents within a reasonable walking distance. Typical uses include neighborhood grocery stores, and convenience markets.

30.295.050 Industrial Use Classifications

A. **Automobile and Vehicle Repair, Major.** Repair of automobiles, trucks, motorcycles, motor homes, boats and recreational vehicles, including the incidental sale, installation, and servicing of related equipment and parts, generally on an overnight basis. This classification includes auto repair shops, body and fender shops, transmission shops, wheel and brake shops, auto glass services, vehicle painting and tire sales and installation, but excludes vehicle dismantling or salvaging and tire retreading or recapping.

B. **Building Materials and Services.** Retail sales or rental of building supplies or equipment. This classification includes lumber yards, tool and equipment sales or rental establishments, and establishments devoted principally to taxable retail sales to individuals for personal use. This classification does not include Construction and Material Yards.

C. **Commercial Vehicle and Equipment Sales and Rental.** Sales, servicing, rental, fueling, and washing of large trucks, trailers, tractors, and other equipment used for construction, moving, agricultural, or landscape activities. Includes large vehicle operation training facilities. Sales of new or used automobiles or trucks are excluded from this classification.

D. **Construction and Material Yards.** Storage of construction materials or equipment on a site other than a construction-site.

E. **Custom Manufacturing.** Establishments primarily engaged in on-site production of goods by hand manufacturing or artistic endeavor, which involves only the use of hand tools or small mechanical equipment and the incidental direct sale to consumers of

only those goods produced on-site. Typical uses include ceramic studios, candle making shops, woodworking, and custom leather working and jewelry manufacturers.

F. **Food and Beverage Manufacturing.** Establishments engaged in the production, processing, packaging or manufacturing of food or beverage products for offsite consumption.

1. ***Limited/Small Scale.*** A small-scale food and beverage products manufacturing and distribution establishment located in facilities less than 5,000 square feet per lot. The use may include wholesale or accessory retail sales. Retail areas or eating and drinking establishments associated with the manufacturing use, exceeding the area allowed as an accessory use, shall comply with all standards and limitations for retail uses or eating and drinking establishments. Examples include small coffee roasters, micro-breweries, micro-distilleries, wine manufacturing, wholesale or retail bakeries with 10 or more employees in the bakery. (For bakeries with less than 10 employees, see Food Preparation.)

2. ***General/Large Scale.*** A large-scale food and beverage products wholesale manufacturing and distribution establishment located in a facility over 5,000 square feet per lot.

G. **Hazardous Waste Management Facility.**

1. ***Off-Site.*** A facility that accepts hazardous wastes from more than one generator, and may also be referred to as a Commercial or Specified Hazardous Waste Facility. An Off-site Hazardous Waste Management Facility shall include the following:

a. *Hazardous Waste Transfer Station.* A facility where hazardous waste from more than one source is collected and consolidated for shipment to a treatment, recycling or disposal facility or facilities. Transfer stations which handle only latex paint, used oil, antifreeze, spent lead acid batteries or small household batteries in accordance with provisions of California Health and Safety Code Section 25201(c) and meet all conditions for exemption outlined in California Health and Safety Code Section 25201(c), and are known as a household hazardous waste collection facility, are specifically excluded from this definition.

b. *Hazardous Waste Storage Facility.* A hazardous waste facility at which hazardous waste is contained for a period greater than 96 hours at an off-site facility with specified exceptions provided in the California Health and Safety Code, Section 25123.3. On-site facilities which store hazardous wastes for periods of greater than 90 days shall be considered to be an Off-site Hazardous Waste Storage Facility.

c. *Hazardous Waste Treatment Facility.* A facility where the toxicity, chemical form or volume of a hazardous waste is altered to render the waste less toxic, less chemically active, or of a reduced volume.

d. *Hazardous Waste Recycling Facility.* A facility engaged in the process of reclaiming, using or reusing hazardous wastes.

e. *Hazardous Waste Residuals Repository.* A disposal facility for the long-term storage of the byproducts of treated hazardous waste for which there is no further means of practical treatment to render them less toxic or less chemically reactive.

2. ***On-Site.*** A facility that stores, treats, recycles or disposes of hazardous waste generated only within the facility's boundaries.

H. **Household Hazardous Waste Collection Facility.** A facility run by, or under contract to, a public agency which only accepts certain types of hazardous materials and then only for transport to an authorized recycling facility or to a permitted hazardous waste collection facility. The types of wastes that can be accepted are latex paint, used oil, antifreeze, spent lead-acid batteries and small household batteries in accordance with all provisions of California Health and Safety Code Section 25201(c). The materials cannot be stored for more than 180 days. Such facilities shall be accessible to individuals, households or small businesses.

I. **Industry, General.** Manufacturing of products from extracted or raw materials or recycled or secondary materials, or bulk storage and handling of such products and materials. This classification includes operations such as agriculture processing, biomass energy conversion; production apparel manufacturing; photographic processing plants; leather and allied product manufacturing; wood product manufacturing; paper manufacturing; chemical manufacturing; plastics and rubber products manufacturing; nonmetallic mineral product manufacturing; primary metal manufacturing; fabricated metal product manufacturing; and automotive and heavy equipment manufacturing. This classification does not include industrial activities where the operations are obnoxious or offensive such as: iron casting, leather tanning, paint boiling, manufacturing with use of a drop hammer or punch press, slaughter house, fertilizer works, commercial dairying, pasturage agriculture, commercial animal and poultry husbandry, or operations for the reduction of animal matter.

J. **Industry, Limited.** Establishments engaged in light industrial activities taking place primarily within enclosed buildings and producing minimal impacts on nearby properties. This classification includes manufacturing finished parts or products primarily from previously prepared materials; commercial laundries and dry cleaning plants; mobile home manufacturing; monument works; printing, engraving and publishing; computer and electronic product manufacturing; furniture and related product manufacturing; and industrial services.

K. **Recycling Collection Facility.** A center for the acceptance, by donation, redemption, or purchase, of recyclable materials from the public where limited processing and storing of such items is conducted on-site.

L. **Research and Development.** A facility for scientific research and the design, development, and testing of electrical, electronic, magnetic, optical, pharmaceutical, chemical, and biotechnology components and products in advance of product

manufacturing. Includes assembly of related products from parts produced off-site where the manufacturing activity is secondary to the research and development activities.

M. **Salvage and Wrecking.** Storage and dismantling of vehicles and equipment for sale of parts, as well as their collection, storage, exchange or sale of goods including, but not limited to, any used building materials, used containers or steel drums, used tires, and similar or related articles or property.

N. **Towing and Impound.** Establishments primarily engaged in towing motor vehicles, both local and long distance. These establishments may provide incidental services, such as vehicle storage and emergency road repair services. (For automobile/dismantling, see Salvage and Wrecking.)

O. **Warehousing and Storage.** Storage and distribution facilities without sales to the public on-site or direct public access except for public storage in small individual space exclusively and directly accessible to a specific tenant.

1. ***Indoor Warehousing and Storage.*** Storage within an enclosed building of commercial goods prior to their distribution to wholesale and retail outlets and the storage of industrial equipment, products and materials including but not limited to automobiles, feed, and lumber. Also includes cold storage, freight moving and storage, and warehouses. This classification excludes the storage of hazardous chemical, mineral, and explosive materials.

2. ***Outdoor Storage.*** Storage of commercial goods in open lots.

3. ***Personal Storage.*** Facilities offering enclosed storage with individual access for personal effects and household goods including mini-warehouses and mini-storage. This use excludes workshops, hobby shops, manufacturing, or commercial activity.

P. **Wholesaling and Distribution**. Indoor storage and sale of goods to other firms for resale; storage of goods for transfer to retail outlets of the same firm; or storage and sale of materials and supplies used in production or operation, including janitorial and restaurant supplies. Wholesalers are primarily engaged in business-to-business sales, but may sell to individual consumers through mail or internet orders. They normally operate from a warehouse or office having little or no display of merchandise, and are not designed to solicit walk-in traffic. This classification does not include wholesale sale of building materials (see Building Materials and Services).

30.295.060 Transportation, Communication, and Utilities Use Classifications

A. **Freight/Truck Terminals and Warehouses.** Facilities for freight, courier, and postal services by truck or rail. This classification does not include local messenger and local delivery services (see Light Fleet-Based Services).

B. **Light Fleet-Based Services.** Passenger transportation services, local delivery services, medical transport, and other businesses that rely on fleets of four or more vehicles with rated capacities less than 10,000 lbs. This classification includes parking,

dispatching, and offices for taxicab and limousine operations, ambulance services, non-emergency medical transport, local messenger and document delivery services, home cleaning services, and similar businesses. This classification does not include towing operations (see Automobile/Vehicle Sales and Service, Towing and Impound) or taxi or delivery services with three or fewer fleet vehicles on-site (see Business Services).

C. **Telecommunication Facilities and Antennas.** Broadcasting and other communication services accomplished through electronic or telephonic mechanisms, as well as structures and equipment cabinets designed to support one or more reception/transmission systems. Typical uses include antennas, wireless telecommunication towers and facilities, radio towers, television towers, telephone exchange/microwave relay towers, cellular telephone transmission/personal communications systems towers, and associated equipment cabinets and enclosures.

D. **Transportation Passenger Terminals.** Facilities for passenger transportation operations. This classification includes rail stations, bus terminals, and scenic and sightseeing facilities, but does not include terminals serving airports or heliports.

E. **Public Works and Utilities.** Generating plants, electric substations, solid waste collection, including transfer stations and materials recovery facilities, solid waste treatment and disposal, water or wastewater treatment plants, corporation yards, equipment service centers, and similar facilities that primarily provide maintenance and repair services, storage facilities for vehicles and equipment, and similar facilities of public agencies or public utilities. This classification includes onsite or offsite ancillary offices associated with a principal use located in the same zone district.

Chapter 30.300 Definitions

Sections:

30.300.010 "A"
30.300.020 "B"
30.300.030 "C"
30.300.040 "D"
30.300.050 "E"
30.300.060 "F"
30.300.070 "G"
30.300.080 "H"
30.300.090 "I"
30.300.100 "J"
30.300.110 "K"
30.300.120 "L"
30.300.130 "M"
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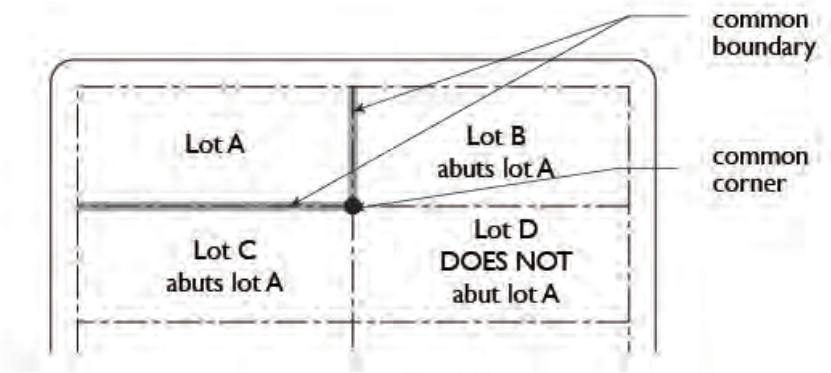
30.300.150 "O"
30.300.160 "P"
30.300.170 "Q"
30.300.180 "R"
30.300.190 "S"
30.300.200 "T"
30.300.210 "U"
30.300.220 "V"
30.300.230 "W"
30.300.240 "X"
30.300.250 "Y"
30.300.260 "Z"

30.300.010 "A"

Abutting. Having a common boundary, except that parcels having no common boundary other than a common corner shall not be considered abutting.

FIGURE 30.300.010: ABUTTING



Adjoining. *See Abutting.*

Accessory Building. *See Building, Accessory.*

Accessory Structure. *See Structure, Accessory.*

Accessory Use. *See Use, Accessory.*

Addition. New construction that increases the net floor area of a structure.

Adjacent. *See Abutting.*

Agent. Any person, firm, partnership, association, joint venture, corporation, or any other entity or combination of entities who represent or act for or on behalf of an applicant.

Agreement of Sale. Any agreement or written instrument which provides that title to any property shall thereafter be transferred for consideration from one owner to another owner.

Alley. A public or private way that is primarily used for vehicular access to the back or side of properties. Alleys typically do not meet standard requirements for City streets, which include curbs, gutters, sidewalks, or similar improvements. Typically, alleys are separated from adjacent parcels by a lot line. An alley may have an official name and may be shown on the official street map of the City of Santa Barbara.

Alteration or Remodel. Except with regard to a historic resource where "alteration" is defined in Chapter 22.22, Historic Structures, of the Santa Barbara Municipal Code, an alteration may include both interior and exterior changes and rearrangement of the physical parts of a building, structure or site development that does not result in an increase of floor area. Also called a remodel.

Antenna. Any system of wires, poles, rods, reflecting discs or similar devices used for the transmission or reception of electromagnetic waves, including devices having active elements extending in any direction, and directional beam-type arrays having elements carried by and arranged from a generally horizontal boom. It may be mounted upon and rotatable through a vertical mast interconnecting the boom and a support for the antenna.

Antenna, Cellular Telephone, and Two-Way and One-Way Paging Systems. Any radio or microwave repeating structure, and associated equipment and structures including microcells, used for transmitting or receiving radio signals for cellular telephones and pagers.

Antenna, Height Above Grade. The vertical distance from the ground to the point to be measured through the axis of the antenna, antenna support, or antenna tower.

Antenna, Radio or Television. Any antenna, and associated equipment and structures, used for transmission of commercial television and broadcast radio.

Antenna Support. Any devices for supporting an antenna which is other than a tower.

Antenna Tower. Any substantial wood or metal structure used to support one or more antennas and which is affixed to the ground or an existing structure. A tower may be self-supporting or supported by an existing structure or by guy wires.

Antennas, Emergency Service. Any antenna, and associated equipment and structures, used principally for communications related to government provided emergency services, including but not limited to, police, fire, and paramedic services.

Applicant. Any person, firm, partnership, association, joint venture, corporation, or any other entity or combination of entities, or state or local government agency applying for a permit.

Arbor. An unenclosed structure typically constructed of latticework or metal that often provides partial shade or support for climbing plants, sometimes referred to as a trellis or pergola. An arbor is not considered an accessory building.

Arts. Arts are a diverse range of human activities in creating visual, auditory, or performance works, expressing the author's imaginative or technical skill, intended to be appreciated for their beauty or emotional power.

As-Built Permit. A permit requested during or after the course of construction, identifying all on-site improvements as they have been constructed.

Association, Homeowner's. The organization of persons who own a lot, parcel, area, condominium or right of exclusive occupancy in a project.

Awning. An architectural projection that provides weather protection, identity or decoration. An awning is typically constructed of canvas metal, wood, or roofing materials on a supporting framework that projects from and is wholly supported by the exterior wall of the structure to which it is attached.

30.300.020 "B"

Balcony. An unenclosed, unroofed cantilevered platform that projects from the wall of a building, is accessible from the building's interior, is not accessible from the ground, and is not enclosed by walls on more than two sides. If any portion of a balcony is supported from the ground below with walls, posts, columns, or the floor below, it is considered a deck.

Base Zone. *See Zoning District*

Bay Window. A protruding window projection, cantilevered from the wall of a building, accessible from the building's interior and completely enclosed.

Basement. Any floor of a building that is partially below and partially above grade. See also Subsection 30.15.090.E, Determining the Number of Stories in a Building.

Bedroom. Any livable room other than a bathroom, a kitchen or a living room (except in studios, where a living room is considered a livable room). Within a residential unit, a loft or other intermediate floor open to the floor below, with five feet or more in height from the finished floor to the finished ceiling and exceeding dimensions of seven feet by 10 feet, is considered a bedroom.

Bicycle Parking, Long Term. Long-term bicycle parking is intended for use by residents, employees or students over several hours or overnight. Long-term bicycle parking should be provided either with bicycle racks within covered and secured areas with controlled access, or

with secure, covered enclosures for individual bicycles, such as bicycle lockers. Long-term bicycle parking better protects bicycles from vandalism and theft attempts.

Bicycle Parking, Short-term. Short-term bicycle parking is intended for use by business patrons, visitors, and guests for a few minutes up to a couple of hours. Short-term bicycle parking should be conveniently located, highly visible, easily accessed, and may be covered or uncovered.

Block. Property bounded on all sides by streets.

Blockface. All properties between two intersections that front upon or abuts a street.

Building. Any enclosed structure having a roof supported by walls for the shelter, housing or enclosure of persons, animals, or property of any kind. A pre-manufactured or constructed shed, storage container, or similar structure is considered a building.

> ***Building, Accessory.*** A subordinate building, or portion of the main building, the use of which is incidental to that of the main building on the same lot. Building, or portions of buildings, used for covered parking are accessory buildings.
>
> ***Building, Main.*** A building in which the principal use of the lot is conducted.

Building Code. Any ordinance of the City governing the type and method of construction of buildings, signs, and sign structures and any amendments thereto and any substitute therefore including, but not limited to, the California Building Code, other state-adopted uniform codes.

Building Face. *See Façade.*

Building Footprint. *See Footprint.*

Building Frontage. *See Front Elevation.*

Building Height. *See Height.*

Building Site. A lot or lots occupied or to be occupied, by main buildings and accessory buildings together with such parking and open spaces as are required by the terms of this Title.

30.300.030 "C"

Canopy. A roofed shelter, usually composed of fabric, projecting over a sidewalk, driveway, entry, window, or similar area that may be wholly supported by a structure or may be wholly or partially supported by columns, poles, or braces extending from the ground.

Carport. A structure, or portion of a structure, accessible to vehicles, with a solid weatherproof roof that is permanently open on at least two sides, used as parking or storage of one or more motor vehicles. See also, Subsection 30.175.030.M, Covered Parking.

Carsharing Organization. Organization that administers a carsharing service.

Carsharing Program. A carsharing service operated by a carsharing organization.

Carsharing Service. A membership based short-term car rental service available to all qualified drivers who choose to become members where members are offered access to a dispersed network of shared vehicles 24 hours a day, seven days a week at unattended self-service locations.

Carshare Vehicle. A vehicle that is owned, maintained, and administered by a carsharing organization and made available to members of a carsharing service 24 hours a day, seven days a week at unattended self service locations.

City. City of Santa Barbara.

Cellar. *See Basement.*

Change in Use. A change from one Use Classification to another, as described in this Title. A change from one Residential Housing Type to another Residential Housing Type is not considered a Change in Use.

Coastal Zone Related Definitions. The following terms are related to the rules and regulations applicable only within the Coastal Zone.

Access.

Lateral. An area of land providing public access along the water's edge.

Vertical. An area of land providing a connection between the first public road or use area nearest the sea and the publicly-owned tidelands or established lateral access way.

Aggrieved Person. Any person who, in person or through a representative, appeared at a public hearing of the City in connection with the decision or action appealed, or who, by other appropriate means prior to the hearing, informed the City of the nature of their concerns or who for good cause was unable to do either.

Coastal Commission. California Coastal Commission.

Coastal Development Permit. A permit for any development within the Coastal Zone that is required pursuant to subdivision (a) of Section 30600 of the California Public Resources Code and issued by the City in accordance with this Title.

Coastal-Dependent Development or Use. Any development or use which requires a site on, or adjacent to, the sea to be able to function at all.

Coastal-Related Development or Use. Any development or use which is dependent on a coastal-dependent development or use.

Coastal Related Definitions

Coastal Zone. That land and water area of the City of Santa Barbara extending seaward to the State's outer limit of jurisdiction and extending inland to the boundary shown on the official Zoning Maps for the CZ Coastal Overlay Zone, as amended from time to time and adopted by the Coastal Commission.

Development. On land, in or under water, the placement or erection of any solid material or structure; discharge or disposal of any dredged material or of any gaseous, liquid, solid, or thermal waste; grading, removing, dredging, mining, or extraction of any materials; change in the density or intensity of use of land, including, but not limited to, subdivision pursuant to the Subdivision Map Act (commencing with Section 66410 of the Government Code), and any other division of land, including lot splits, except where the land division is brought about in connection with the purchase of such land by a public agency for public recreational use; change in the intensity of use of water, or of access thereto; construction, reconstruction, demolition or alteration of the size of any structure, including any facility of any private, public or municipal utility; and the removal or harvesting of major vegetation other than for agricultural purposes, kelp harvesting and timber operations which are in accordance with a timber harvesting plan submitted pursuant to the provisions of the Z'berg-Nejedly Forest Practice Act of 1973 (commencing with Section 4511).

Energy Facility. Any public or private processing, producing, generating, storing, transmitting or recovering facility for electricity, natural gas, petroleum, coal or other source of energy.

Environmentally Sensitive Habitat Area. Any area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and developments.

Fill. Earth or any other substance or material, including pilings placed for the purposes of erecting structures thereon, placed in a submerged area.

Land Use Plan. Maps and a text which indicate the kinds, location and intensity of land uses allowed in the Coastal Zone and includes resources protection and development policies related to those uses.

Local Coastal Program. The City's land use plan, zoning ordinances, zoning maps and other implementing actions certified by the Coastal Commission as meeting the requirements of the California Coastal Act of 1976.

Major Public Works Project or Major Energy Facility. "Major public works" and "Major energy facilities" mean facilities that cost more than one hundred thousand dollars ($100,000) with an automatic annual increase every year following the baseline of one hundred thousand dollars set in 1983 in accordance with the Engineering News Record Construction Cost Index, except for those facilities governed by the provisions of Public Resources Code Sections 30610, 30610.5, 30611 or 30624. Major public works also means

Coastal Related Definitions

publicly-financed recreational facilities that serve, affect, or otherwise impact regional or statewide use of the coast by increasing or decreasing public recreational opportunities or facilities.

Natural Disaster. Any situation in which the force or forces which destroyed the structure to be replaced were beyond the control of the owner.

Other Permits and Approvals. Permits and approvals, other than a coastal development permit, required to be issued by the approving authority before a development may proceed.

Public Works Project. Any of the following development shall constitute a public works project:

- All production, storage, transmission and recovery facilities for water, sewage, telephone and other similar utilities owned or operated by any public agency or by any utility subject to the jurisdiction of the Public Utilities Commission, except for energy facilities.
- All public transportation facilities, including streets, roads, highways, public parking lots and structures, ports, harbors, airports, railroads, and mass transit facilities and stations, bridges, trolley wires, and other related facilities.
- All publicly-financed recreational facilities, all projects of the State Coastal Conservancy and any development by a special district.
- All community college facilities.

Sea. The Pacific Ocean and all harbors, bays, channels, estuaries, salt marshes, sloughs and other areas subject to tidal action through any connection with the Pacific Ocean, excluding non-estuarine rivers, streams, tributaries, creeks and flood control and drainage channels.

Structure. Anything constructed or erected, the use of which requires location on the ground or attachment to something having location on the ground. "Structure" includes, but is not limited to, any building, road, pipe, flume, conduit, siphon, aqueduct, telephone line, and electrical power transmission and distribution line.

Visitor-Serving Development or Use. Stores, shops, businesses, temporary lodging and recreational facilities (both public and private) which provide accommodations, food and services for the traveling public, including, but not limited to, hotels, motels, campgrounds, parks, nature preserves, restaurants, specialty shops, art galleries and commercial recreational development such as shopping, eating and amusement areas.

Wetland. Lands within the Coastal Zone which may be covered periodically or permanently with shallow water and include saltwater marshes, freshwater marshes, open or closed brackish water marshes, swamps, mudflats and fens. As detailed in Section

Coastal Related Definitions

13577(b)(1) of the California Code of Regulations, wetlands shall be defined as land where the water table is at, near, or above the land surface long enough to promote the formation of hydric soils or to support the growth of hydrophytes, and shall also include those types of wetlands where vegetation is lacking and soil is poorly developed or absent as a result of frequent and drastic fluctuations of surface water levels, wave action, water flow, turbidity or high concentrations of salts or other substances in the substrate. Such wetlands can be recognized by the presence of surface water or saturated substrate at some time during each year and their location within, or adjacent to vegetated wetlands or deep-water habitats.

Working Day. Any day on which all City offices are open for business.

End Coastal Related Definitions

Commercial. Managed on a business basis for profit derived from the promise or delivery of compensation, money, rent, or other bargained-for consideration in exchange for goods; services; rights or interests in property; or any other valuable consideration.

Common Area. The entire common interest development except the separate interests therein.

Community Apartment. As defined in Section 4105 of the Civil Code.

Community Development Director. Community Development Director of the City of Santa Barbara, or designee.

Community Noise Equivalent Level (CNEL). The average equivalent A-weighted sound level during a 24-hour day, obtained after addition of five decibels to sound levels in the evening from 7 p.m. to 10 p.m. and after addition of 10 decibels to sound levels in the night from 10 p.m. to 7 a.m.

Compaction. The act of increasing the density of fill by mechanical means.

Compatible. That structure or use which is harmonious with and will not adversely affect surrounding structures or uses, as determined by the Community Development Director.

Condominium. As defined in Sections 783 and 1350 of the Civil Code.

Condominium, Community Apartment. The development of land and attached structures as a condominium or community apartment project, regardless of the present or prior use of such land and structures, and regardless of whether substantial improvements have been made to such structures.

Condominium or Community Apartment Project. A plan by a developer to sell residential condominium or community apartment units in a building through conversion to condominium or community apartment status.

Condominium Unit. The elements of a condominium project which are not owned in common with the owners of other condominiums in the project.

Congregate Dining Facility. *See Kitchen.*

Construction. Erection, enlargement, alteration, conversion, demolition, substantial redevelopment, or movement of any building, structure, or land.

Continuation. The state of continuing in the same condition, capacity, or place without change, expansion, or interruption.

Corral. Enclosure designed for the care and keeping of livestock.

County. The County of Santa Barbara.

Courtyard. An area open to the sky that is enclosed on at least three sides by walls, sometimes referred to as a court or atrium.

30.300.040 "D"

Deck. An outdoor platform, the surface of which is greater than 10 inches above grade, and is wholly or partially supported from the ground below. A deck may be surrounded by a railing, balustrade, or parapet, and can be freestanding or attached to another structure.

Deck, Roof. A deck constructed above any top plate of a structure that is designed to function as useable outdoor area. A roof deck is not a balcony.

Demolition. Removal or destruction. Whenever the term demolition is used in this Title it shall also be considered a substantial redevelopment. See Section 30.140.040, Substantial Redevelopment~~Demolition~~.

Development. Any building, structure, construction, renovation, mining, extraction, dredging, filling, excavation, grading, or drilling activity or operation; any material change in the use or appearance of any structure or in the land itself, including fences, agriculture, vegetation or tree removal, and landscaping; the division of land into parcels; any change in the intensity or use of land, such as an increase in the number of dwelling units in a structure or a change to a commercial or industrial use from a less intensive use.

District. *See Zoning District.*

Driveway. An accessway that provides vehicular access between a street or alley and the parking or loading facilities of an adjacent property.

Dwelling Unit. *See Residential Unit.*

30.300.050 "E"

Earth Material. Any rock, natural soil or fill or any combination thereof.

Easement. A portion of land created by grant or agreement for specific purpose; an easement is the right, privilege or interest that one party has in the land of another.

Eaves. The part of a roof that overhangs the walls of a building. When a structure has a roof but no walls (such as a patio cover, carport, or trellis), the eaves shall be considered that portion of the roof overhang beyond the vertical support posts, or if cantilevered, the outermost three feet of the roof.

Effective Date. The date on which a permit or other approval becomes enforceable or otherwise takes effect, rather than the date it was signed or circulated.

Electric Vehicle Charging Station. Any electric vehicle charging station, electric recharging point, charging point, or electric vehicle supply equipment station (EVSE) that is designed and built in compliance with Article 625 of the California Electrical Code, and delivers electricity from a source outside an electric vehicle into a plugin electric vehicle.

Emergency. A sudden unexpected occurrence demanding immediate action to prevent or mitigate loss or damage to life, health, property or essential public services.

Enclosed. A structure or portion of a structure surrounded by walls and a roof. A structure that is substantially enclosed may also be considered enclosed for the purpose of this Title.

Erect. To alter, convert, move, build, construct, attach, hang, place, suspend or affix to or upon any surface. Such term shall also include the painting of wall signs.

Erosion. The wearing away of the ground surface as a result of the movement of wind, water or ice.

Excavation. The mechanical removal of earth material.

30.300.060 "F"

Façade. The general outer surface of the structure or walls of a building.

Family. *See Household.*

Feasible. Capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social and technological factors.

Fence. An upright structure serving as a barrier or boundary, or that visually divides or conceals a parcel, including retaining walls, usually made of masonry, plaster, posts, boards, wire, rails, or other building material. May also be referred to as Wall or Screen.

Fill. A deposit of earth material placed by artificial means.

First Floor. *See First Story.*

First Story. The first story of a building that is closest to finished grade. Also known as the First Floor. The story above is the Second Floor or Second Story.

Floor Area. The total horizontal enclosed area of all the floors below the roof and within the exterior walls of a building or enclosed structure. The floor area of an unenclosed building or structure includes all horizontal area below the roof line. See also Section 30.15.070, Measuring Floor Area.

> ***Livable Floor Area.*** The total enclosed and usable space available within the exterior walls on all floors of a building, including interior corridors, stairs, elevators, passageways, and finished basements, cellars, and attics. Unfinished and unheated areas including but not limited to: basements, cellars, attics, porches, breezeways, garages, sheds and workshops are excluded from livable floor area determinations. Basement, cellars, or attic areas are considered finished if all of the walls, ceilings, and floors are finished. Walls and ceilings shall be deemed finished only if they are covered with plaster, wallboard, or similar material; floors shall be deemed finished only if they are covered with carpeting, tile, linoleum, or similar material.

Footprint. The horizontal area, as seen in plan view, of a structure, measured from the outside of exterior walls or supporting columns, and excluding eaves.

Front Elevation. Any structure elevation that faces a street.

30.300.070 "G"

Garage. An enclosed building or portion of a building accessible to vehicles, used as parking or storage of one or more motor vehicles. See also Subsection 30.175.030.M, Covered Parking.

Gazebo. A freestanding platform, primarily open-sided, roofed, and usually raised.

General Plan. The comprehensive General Plan of the City of Santa Barbara together with all Specific Plans adopted by the City Council.

Glare. The effect produced by a light source within the visual field that is sufficiently brighter than the level to which the eyes are adapted, such as to cause annoyance, discomfort, or loss of visual performance and ability.

Government Code. The Government Code of the State of California.

Grade, Existing. The topographic elevations representing the surface of the ground five years prior to the application date for grading, filling, or other site alterations for the project. Existing grade may also be referred to as natural grade.

Grade, Finished. The topographic elevations representing the ground surface upon project completion. Finished grade may also be referred to as proposed grade.

Grading. Any excavating or filling or combination thereof.

Guestroom. An individual sleeping room, or any suite of rooms in which the individual rooms are configured so that they cannot be rented separately.

30.300.080 "H"

Habitable Space. *See Floor Area, Livable Floor Area.*

Hazardous Materials. Any material, including any substance, waste, or combination thereof, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to, a substantial present or potential hazard to human health, safety, property, or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

Hazardous Waste. A waste, or combination of wastes, which because of the quantity, concentration or physical and chemical characteristics may either a) cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness, or b) pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed or otherwise managed. Hazardous waste also includes those materials described in Title 22, Division 4.5, Chapter 11, California Code of Regulations.

Hazardous Waste Management Plan. A plan prepared, adopted and amended from time to time, pursuant to Section 25135 of the California Health and Safety Code by Santa Barbara County to direct the management of hazardous wastes within the boundaries of the County. It is also known as the Hazardous Waste Element of the Santa Barbara County Comprehensive Plan.

Heat. Thermal energy of a radioactive, conductive, or convective nature.

Hedge. A row of shrubs, bushes, or any other kind of plant material that forms a boundary or substantially continuous visual barrier. May also be referred to as Screen.

Height. The vertical distance from a point on the ground below a structure to a point directly above. See also Section 30.15.090, Measuring Height.

Household. One or more persons living together in a single residential unit, with common access to, and common use of, all living areas and all areas and facilities for the preparation

and storage of food and who maintain no more than four separate rental agreements for the single residential unit.

30.300.090 "I"

Incompatible. That structure or use which is detrimental and may adversely affect surrounding structures or uses, as determined by the Community Development Director.

Intensity of Use. The extent to which a particular use or the use in combination with other uses affects the natural and built environment in which it is located, the demand for services, and persons who live, work, and visit the area. Measures of intensity may include, but are not limited to, requirements for water, sewer, gas, electricity, access, recreation, or other public services; number of automobile trips generated; on- and off-site parking demand; number of residents or employees; hours of operation; the amount of noise, light glare, smoke, odors, or hazardous materials generated; or the number of persons attracted to the site.

Intersection, Street. The area common to two or more intersecting streets.

30.300.100 "J"

Reserved

30.300.110 "K"

Kitchen. Any room or portion of a room used or intended or designed to be used for the preparation or storage of food.

> ***Congregate Dining Facility.*** A room or rooms that contain suitable space for group dining to feed all the residents of a facility in one or two sittings, accessible to and for the primary use of the residents of the facility, and provides at least two meals per day seven days per week for the residents.

30.300.120 "L"

Landing. An unenclosed, unroofed platform, attached to a building, and serving as a required means of egress from the first floor of a building.

Lot. A parcel, tract, or area of land whose boundaries have been established by a legal instrument such as a deed or map recorded with the County of Santa Barbara, and that is recognized as a separate legal entity for purposes of transfer of title, except public easements or rights-of-way.

> ***Lot, Corner.*** A lot surrounded on two or more contiguous sides by a street.
>
> ***Lot, Flag.*** A lot that has access to a street by means of a narrow strip of land.
>
> ***Lot, Interior.*** A lot other than a corner lot.

Lot, Through. A lot having frontage on two parallel or approximately parallel streets.

Lot Area. The area of a lot measured horizontally between bounding lot lines.

Lot Area, Net. The area of a lot measured horizontally between bounding lot lines, subtracting the existing or proposed horizontal area within public streets and alleys on the lot.

Lot Frontage. *See Street Frontage.*

Lot Line. The boundary between a lot and other property or a public or private street. A lot line may also be referred to as a property line.

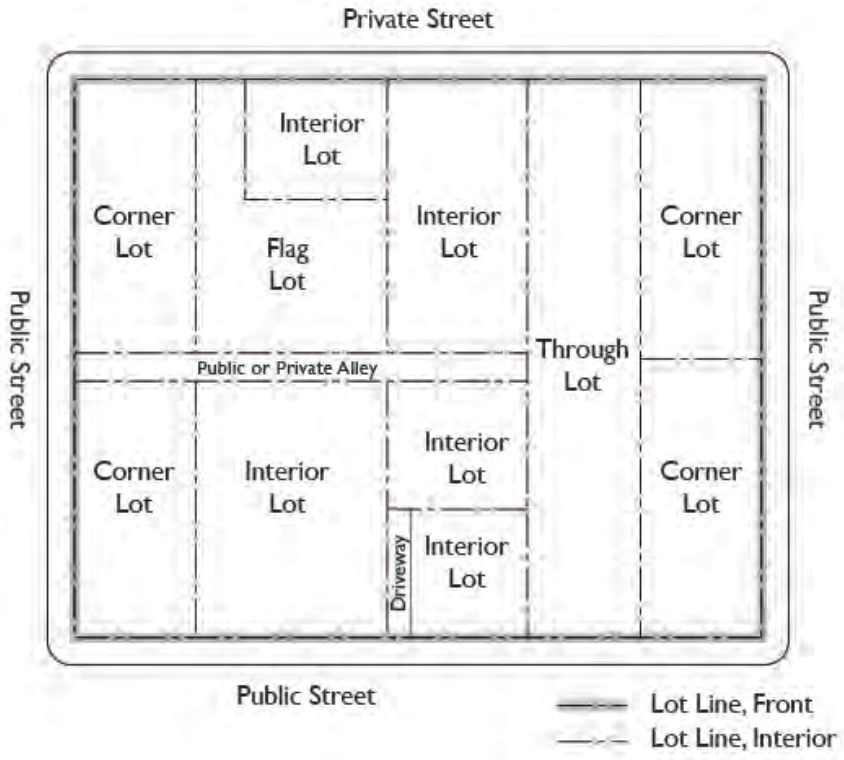
Lot Line, Front. The line or lines dividing a lot from a public or private street. The line or lines that divide a lot from an alley or a driveway shall not be considered front lot lines. On lots that abut multiple streets, all lines that divide the lot from a street shall be considered front lot lines.

Lot Line, Primary Front. Front lot line adjacent to primary front yard.

Lot Line, Secondary Front. Front lot line adjacent to secondary front yard.

Lot Line, Interior. Any lot line other than a front lot line.

FIGURE 30.300.120: LOTS AND LOT LINES



30.300.130 "M"

Mezzanine. An intermediate floor within a building interior that is no greater than one third of the total floor area of the floor below. See also *Story* and Subsection 30.15.090.E, Determining the Number of Stories in a Building.

Microcell. A small cellular transceiver facility installed at or below ground level and comprised of a utility cabinet, one or more small antennas mounted on a steel pipe, an existing public utility pole or existing structure, and transmitters with an effective radiated power not exceeding five watts per channel and not to exceed a total of 200 watts per facility.

Mixed-Use Development. A development that contains both nonresidential and residential uses on the same lot, whether or not they are located within the same structure.

Mixed-Use Building. A building that contains both nonresidential and residential uses.

Mobilehome. A structure designed for human habitation and for being moved on a street or highway under permit pursuant to Section 35790 of the California Vehicle Code. Mobilehome includes a manufactured home, as defined in Section 18007 of the California Health and Safety Code, and a mobilehome as defined in Section 18008 of the California Health and Safety Code, but does not include a recreational vehicle as defined in this Title and Section 18010 of the

California Health and Safety Code, or a commercial coach as defined in Section 18001.8 of the California Health and Safety Code. Mobilehomes are residential units, except as allowed by Section 30.185.270, Mobilehomes, Recreational Vehicles and Modular Units, Individual Use.

Mobilehome Park Space. That portion of a mobilehome park set aside and designated for the occupancy of a mobilehome, including any contiguous area designed or used for automobile parking, carport, storage, awning, cabana or other use which is clearly incidental and accessory to the primary use of the space.

30.300.140 "N"

Nonconforming. Any lawfully established use, structure, parking, or site development that is in existence on the effective date of this Title, or any subsequent amendment, but does not comply with all of the standards and requirements of this Title and any additions allowed pursuant to Chapter 30.165, Nonconforming Structures, Site Development, and Uses.

Nonconforming Density. A lawfully established development on a lot with more residential units or number of bedrooms than are allowed by the current ordinance in a zone that allows residential uses. Nonconforming density is not considered a nonconforming use.

Nonconforming Lot. A legal parcel of land having less area, frontage, or dimensions than required in the zoning district in which it is located.

30.300.150 "O"

On-Site. Located on the lot that is the subject of discussion.

Owner. Any person, co-partnership, association, corporation or fiduciary having legal or equitable title or any interest in any real property.

30.300.160 "P"

Parcel. A general term including all plots of land shown with separate identification on the latest equalized county assessment roll. Parcels may or may not be separate lots, depending upon whether or not such parcels are created as required by Title 27, Subdivisions, of the Santa Barbara Municipal Code.

Parking, Covered. An accessory building, accessible to vehicles, such as a garage or carport that completely covers the parking spaces.

Parking, Uncovered. Parking spaces that are completely or partially open to the sky.

Parking Lot, Public. Surface lots and structures offering parking to the public with or without a fee.

Park and Recreation Related Definitions. The following terms are related to Chapter 30.40, Park and Recreation (P-R) Zone.

Active Recreation. Activities such as organized sports and drop-in sports, usually team oriented, which utilize equipment and are played on a field or court. Active Recreation includes, but is not limited to, soccer, football, swimming, baseball, softball, basketball, tennis, ultimate frisbee, volleyball and wheelchair football.

Ball Fields and Courts.

Informal. Informal Ball Fields are usually open grass areas with no field or court delineation, or only bases, players' benches and backstop. Fields are not scheduled for league or tournament play. No dugouts, bleachers or lighting are provided. May include basketball courts with pavement striping, but without lighting.

Formal. Formal Ball Fields are often lighted and may include dressed infield area, baselines, pitcher's mound for baseball, large backstops, dugouts, players' benches and bleachers. Soccer fields are delineated, include players' benches and goals and may include lighting. Formal indoor courts for volleyball, basketball and other organized sports are also included. Formal ball fields may also include related food concessions.

Community Garden. A Community Garden is a piece of urban land that is made available to residents of the community who may not have private yard area that is adequate to plant and maintain a private garden. This land is made available for the purpose of planting small personal gardens and usually consists of several small plots that are assigned to individuals or groups of people and which may be subject to an annual rental fee.

Concession. A Concession is a rental or lease of land or space in a building by the City to an operator of the following types of retail outlets: snack bar, restaurant, push cart and miscellaneous sundries and equipment rental that relate to the uses of the facility where the concession is located.

Community Meeting Rooms.

Small Community Meeting Room. A Small Community Meeting Room accommodates up to 75 people. Small Community Meeting Rooms may include food preparation areas and are used for meetings, seminars and small parties.

Large Community Meeting Room. A Large Community Meeting Room accommodates small or large groups of people. Large Community Meeting Rooms usually include food preparation facilities and may be used for large parties, banquets, dances and lectures.

Lighting.

General Lighting. General Lighting is used for security, safety or decorative purposes.

Ball Field Lighting. Ball Field Lighting is used to illuminate formal ball fields and courts in order to allow evening use of such facilities.

Minor Buildings. Buildings that are not used for recreation programming or meetings. Minor buildings include restrooms, storage buildings, equipment sheds and caretakers' residences.

Outdoor Game Area. A delineated area designed specifically, and meeting established criteria, for a game. Outdoor Game Areas include, but are not limited to, volleyball, lawn bowling, horseshoe pitching, tether ball, hopscotch and handball.

Passive Recreation. Activities that are engaged in by individuals or small groups, usually not dependent on a delineated area designed for specific activities. Passive Recreation includes, but is not limited to, hiking, bicycling, jogging, frisbee catch, bird watching, walking, picnicking and horseback riding.

Picnic Area.

Individual Picnic Area. Picnic tables generally set a minimum of 10 feet apart and intended for use by small groups requiring the use of only one picnic table.

Small Group Picnic Area. A Small Group Picnic Area consists of picnic tables intentionally arranged to accommodate use by a group of up to 30 people. Small Group Picnic Areas often include a single barbecue sized to accommodate a group meal.

Large Group Picnic Area. A Large Group Picnic Area consists of picnic tables intentionally arranged to accommodate use by more than 30 people, which may be subject to reservation. Large Group Picnic Areas often include one or more barbecues and food preparation tables sized to accommodate a group meal.

Playground. An area that includes, but is not limited to, swings, slides, climbing structures, sand play, spring riders and other play structures.

Trail. A passageway for hikers, equestrians or bicyclists. Uses of individual trails shall be determined by the Parks and Recreation Director.

Parkway. An area between the curb and sidewalk in a fully improved right-of-way, typically landscaped.

Patio. A hardscaped (e.g., concrete, tile, brick, stone, wood, etc.) area, constructed with a finished surface no more than 10 inches above grade, which may or may not be attached to another structure and intended for indoor-outdoor living and recreation. A patio may be surrounded by walls or roofed, but not both.

Permit. Any Zoning Clearance, Conditional Use Permit, Performance Standard Permit, Temporary Use Permit, Building Permit, license, certificate, approval, or other entitlement for development or use of property as required by any public agency.

Permitted Use. Any use allowed in a zoning district without a requirement for approval of a Conditional Use Permit, Performance Standard Permit, or Temporary Use Permit, but subject to any standards or restrictions applicable to that zoning district.

Person. Any individual, organization, partnership, limited liability company, or other business association or corporation, including any utility, and any federal, state or local government, special district, or an agency thereof.

Persons with Disabilities. Persons who have a medical, physical, or mental condition, disorder or disability as defined in Government Code Section 12926 or the Americans With Disabilities Act, that limits one or more major life activities.

Porch. A roofed, raised platform, sometimes partly enclosed with low walls, that extends along an outside wall of a building. A porch is usually at the primary entrance to a residential unit. A porch may also be referred to as a veranda.

Pre-existing. In existence prior to the effective date of this Title.

Project. Any proposal for a new or changed use, or for new construction, demolition, substantial redevelopment, alteration, or additions to any structure, that is subject to the provisions of this Title.

Public Resources Code. The Public Resources Code of the State of California.

Public Works Director. The Public Works Director of the City of Santa Barbara, or designee.

30.300.170 "Q"

Reserved

30.300.180 "R"

Recreational Vehicles

Recreational Vehicle. A motor home, slide-in camper, travel trailer, or camping trailer, with or without motive power, designed for human habitation for recreational or emergency occupancy.

Recreational Vehicle Space. That portion of a recreational vehicle park set aside and designated for the occupancy of one recreational vehicle, including any contiguous area designed or used for automobile parking, carport, storage, awning, cabana or other use which is clearly incidental and accessory to the primary use of the space.***Camping Trailer.*** A vehicular portable unit mounted on wheels and constructed with collapsible partial

sidewalls which fold for towing by another vehicle and unfold at the campsite and designed for human habitation for recreational or emergency occupancy.

Motor Home. A vehicular unit built on or permanently attached to a self-propelled motor vehicle chassis, chassis cab or van, which becomes an integral part of the completed vehicle, designed for human habitation for recreational or emergency occupancy.

Slide-In Camper. A portable unit, consisting of a roof, floor and sides, designed to be loaded onto and unloaded from the bed of a pickup truck, and designed for human habitation for recreational or emergency occupancy and shall include a truck camper.

Travel Trailer. A portable unit, mounted on wheels, of such a size and weight as not to require special highway movement permits when drawn by a motor vehicle and for human habitation for recreational or emergency occupancy.

Repair and Maintenance. The replacement of existing materials with similar materials in a similar manner. Repair and maintenance does not include: additions, alterations, or ~~demolition~~substantial redevelopment to any structure; changes in site development; a substitution of or a change to a nonconforming use; or an increase in area occupied by a nonconforming use.

Residential Property. Any real property, zoned, designed or permitted to be used for any residential purpose, including any buildings or structures located on said improved real property.

Residential Unit. Any building or portion thereof that contains living facilities, including provisions for sleeping, eating, cooking, and sanitation, for not more than one household. Section 30.140.160, Residential Unit.

Review Authority. Body responsible for making decisions on zoning and related permits and approvals, including but not limited to, the Community Development Director, Public Works Director, design review bodies, Staff Hearing Officer, Planning Commission, and City Council.

Right-of-Way. A strip of land acquired by reservation, easement, dedication, forced dedication, prescription or condemnation and intended to be occupied or occupied by a street, railroad, electric transmission lines, oil or gas pipeline, water line, sanitary storm sewer or other similar use.

30.300.190 "S"

Screen. *See Hedge.*

Second Floor. The floor above the first floor.

Second Story. The story above the first story.

Semi-Public Use. A facility that is open to the public and has a public purpose but is not owned or operated by a governmental entity.

Setback, Front. An area between the street and a line parallel to the front lot line, bounded by the interior lot lines of the lot that are roughly perpendicular to the front lot line. See also Section 30.15.060, Measuring Distances, and Section 30.15.100, Measuring Setbacks, and Section 30.140.100, Encroachments into Setbacks and Open Yards.

Setback, Primary Front. Setback adjacent to primary front lot line.

Setback, Secondary Front. Setback adjacent to secondary front lot line.

Setback, Interior. An area between an interior lot line and a line parallel to the interior lot line, bounded by the two lot lines adjacent to the interior lot line from which the setback is measured. See also Section 30.15.060, Measuring Distances, and Section 30.15.100, Measuring Setbacks, and Section 30.140.100, Encroachments into Setbacks and Open Yards.

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

Sidewalk. A paved, surfaced, or leveled area, paralleling and usually separated from the street, used as a pedestrian walkway.

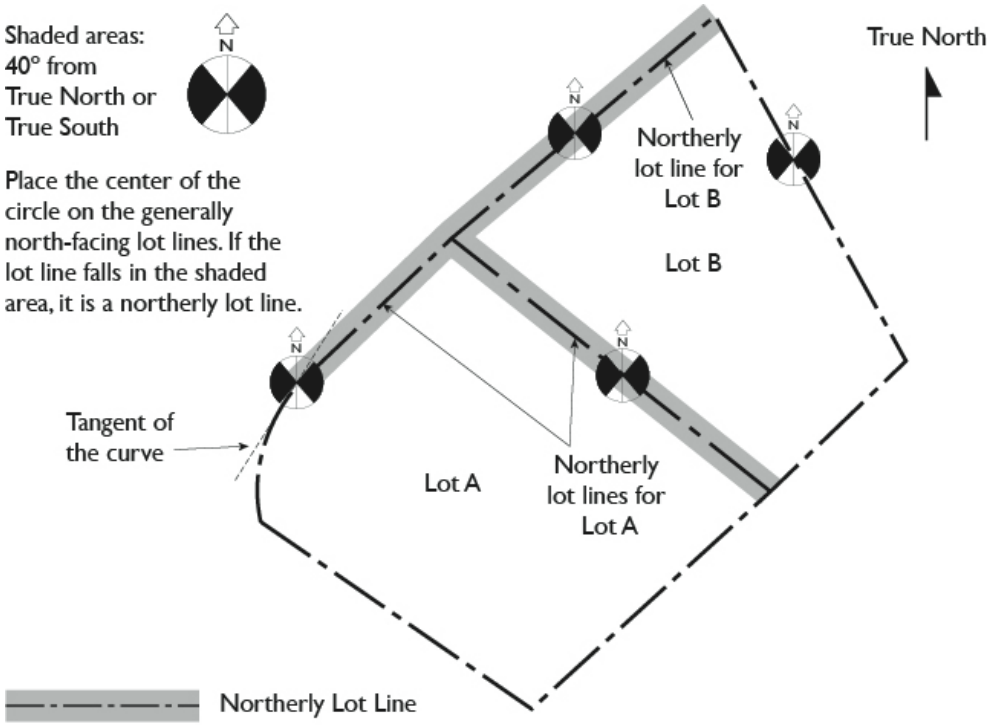
Site. A lot, or group of contiguous lots, that is proposed for development in accordance with the provisions of this Title and is in a single ownership or under unified control.

Solar Access Height Related Definitions. The following terms are related to Section 30.140.180, Solar Access Height Limitations.

Base Elevation Point. The elevation of the higher of either 1) the highest point of contact of a structure with existing grade or 2) the highest point of existing grade along the northerly lot line measured at the location(s) with the shortest distance from the structure to the northerly lot line. For the purposes of this determination, all fences, covered and uncovered walkways, driveways, patio covers and other similar elements shall be considered separate structures.

Northerly Lot Line. Any lot line, of which there may be more than one per lot, that forms a generally north facing boundary of a lot and has a bearing greater than or equal to 40 degrees from either true north or true south. For curved lot lines, the bearing of the lot line at any point shall be the bearing of the tangent to the curve at that point.

FIGURE 30.300.190: NORTHERLY LOT LINE



Plan View. A plot plan of the parcel which shows the horizontal dimensions of a parcel and each structure on the parcel.

Shadow Plan. A plot plan which shows the extent of shading caused by a proposed structure.

Solar Access. The ability of a location to receive direct sunlight.

State. The State of California.

Stock Cooperative. As defined in Section 11003.2 of the Business and Professions Code.

Story. That portion of a building included between the surface of any floor and the surface of the floor next above it, except that the topmost story shall be that portion of a building included between the surface of the topmost floor and the surface of the roof above. See also Section 30.15.090.E, Determining the Number of Stories in a Building.

Studio. A residential unit consisting of one combined living and sleeping room. The unit may have a separate kitchen and bathroom in addition to the main room. A studio may have a loft, but the loft may not be a bedroom, as defined in this Title.

Street. A public or private way constructed for the primary purpose of vehicular travel. An alley or a driveway is not a street. The term "street" describes the entire legal right-of-way or

easement (public or private), including, but not limited to, the traffic lanes, bike lanes, curbs, gutters, sidewalk whether paved or unpaved, parkways, and any other grounds found within the legal right-of-way. The name given to the right-of-way (avenue, court, road, etc.) is not determinative of whether the right-of-way is a street.

Street, Private. A street that is privately owned. Private streets do not appear on the official dedicated street map of the City of Santa Barbara. Private streets generally provide access to multiple lots or units and are usually named, unlike driveways. Private streets may be constructed to public street standards. Private streets are generally differentiated from driveways by larger widths, longer lengths, and may include public or private utilities. A private street may also be referred to as private road, lane, or drive.

Street, Public. Any street shown on the official dedicated street map of the City of Santa Barbara, as such map may be amended from time to time.

Street Frontage. The length of the front lot line along an adjacent street.

Structural Alteration. Any change affecting existing structural elements or requiring new structural elements for vertical or lateral support of an otherwise nonstructural alteration. Includes any physical change to the supporting members of a structure, such as bearing walls, columns, beams or girders, floor joists or roof joists, including the creation, or enlargement, of doors or windows and changes to a roofline or roof shape.

Structure. Anything constructed or erected and the use of which requires more or less permanent location on the ground or attachment to something having a permanent location on the ground. Buildings are considered structures.

Structure, Accessory. A subordinate structure, used only as incidental to the main structure on the same lot.

Substantial Redevelopment. A majority of a structure is removed, or is no longer a necessary and integral component of the overall structure. See Section 30.140.040, Substantial Redevelopment.

30.300.200 "T"

Time-Share Terms

Time-share Project. A purchaser receives the right in perpetuity, for life, or for a term of years, to the recurrent, exclusive use or occupancy of a lot, parcel, unit, or segment of real property, annually or on some other periodic basis, for a period of time that has been or will be allotted from the use or occupancy periods into which the project has been divided.

Time-share Estate. A right of occupancy in a timeshare project which is coupled with an estate in the real property.

Time-share Use. A license or contractual or membership right of use in a timeshare project which is not coupled with an estate in the real property.

Trellis. A structure or frame supporting open latticework, at least 50 percent open to the sky with uniformly distributed openings. A trellis is sometimes referred to as a pergola or arbor. A trellis is not an accessory building.

30.300.210 "U"

Unenclosed. A structure or portion of a structure that is either: 1) substantially unroofed or uncovered; or 2) substantially open on at least two sides.

Upper Floor. Any floor above the first floor.

Upper Story. Any story above the first story.

Use. The purpose for which land, buildings, structures, or site development is designed, arranged, or intended; or for which it is, or may be, occupied or maintained. May also be referred to as Land Use.

Accessory Use. A use that is customarily associated with, and is incidental and subordinate to, the primary use and located on the same lot as the primary use. See also Section 30.185.030, Accessory Uses.

Principal or Primary Use. A primary, principal or dominant use established, or proposed to be established, on a lot.

30.300.220 "V"

Vehicle. Any vehicle, as vehicle is defined by the California Vehicle Code, including any automobile, camper, camptrailer, trailer, trailer coach, motorcycle, house car, boat, or similar conveyance.

Vehicle, Commercial. Any truck, bus, truck-tractor, cargo trailer, or other motorized or towed vehicle which has a rated capacity of more than 15 passengers, a rated capacity of more than one ton by the manufacturer, or which exceeds a length of 20 feet or a height of 10 feet.

Vehicle, Fleet. Any group of motor vehicles owned or leased by a business, government agency, or other organization rather than by an individual or household. Typical examples are vehicles operated by taxicab companies, public utilities, public bus companies, and police departments.

Vertical. Perpendicular to the plane of the horizon.

Vibration. A periodic motion of the particles of an elastic body or medium in alternately opposite directions from the position of equilibrium.

Visible. Capable of being seen (whether or not legible) by a person of average height and visual acuity while walking or driving on a street.

30.300.230 "W"

Wall.

Wall, Building. Any vertical exterior surface of a building or any part thereof, including windows and doors.

Wall, Freestanding. *See Fence.*

Watercourse. Any stream, creek, arroyo, gulch, wash and the beds thereof, whether dry or containing water. It shall also mean a natural swale or depression which contains and conveys surface water during or after rain storms. See also Section 30.15.040, Determining Area of a Watercourse.

30.300.240 "X"

Reserved

30.300.250 "Y"

Yard. A required open space on a lot or parcel of land, open, unenclosed and unobstructed from the ground upward, except as otherwise provided in this Title.

Yard, Front. An area extending across the full width of the lot between the front lot line and the nearest wall of the closest main building on the lot. See also Section 30.15.080, Measuring Front Yards

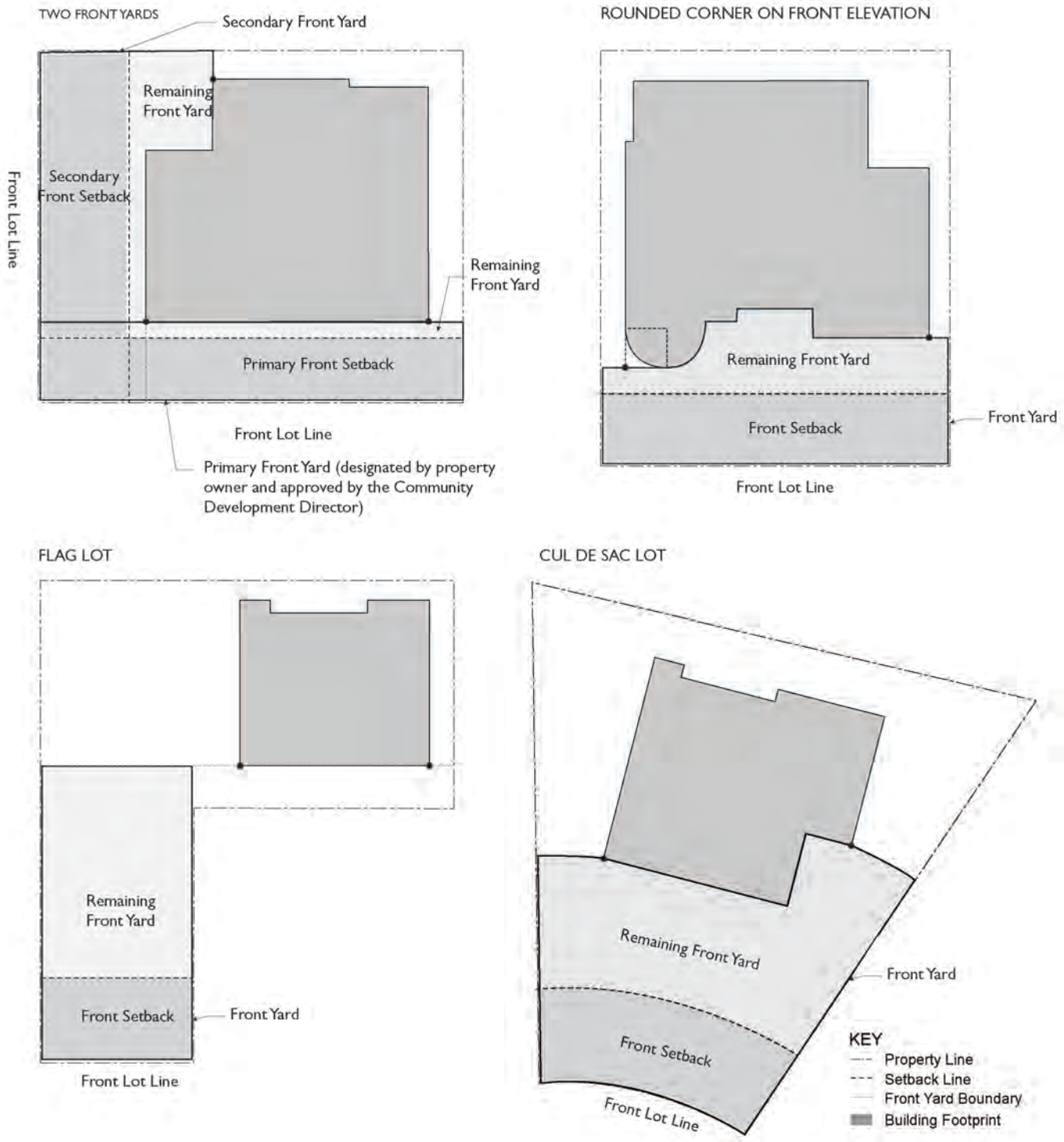
Yard, Primary Front.

- On a lot with one front yard, the front yard is the primary front yard.
- On lots with multiple front yards, the primary front yard is designated by the property owner and approved by the Community Development Director as the primary front yard.

Yard, Remaining Front. The area of the front yard not including the required front setback.

Yard, Secondary Front. Any front yard on a lot with multiple front yards that is not designated as the primary front yard.

FIGURE 30.300.250: YARD, FRONT



Yard, Open. A required yard, intended to provide minimum open areas within residential development.

30.300.260 "Z"

Zoning District. A specifically delineated area of district in the city within which regulations and requirements uniformly govern the use, placement, spacing, and size of land and structures. See Section 30.05.010, Zones Established.

Zoning Sectional Maps

City of Santa Barbara

Draft New Zoning Ordinance

v. June 2017

Sectional Map: SA02

Legend

RESIDENTIAL ZONES

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COMMERCIAL AND OFFICE ZONES

O-R - Office Restricted
O-M - Office Medical
C-R - Commercial Restricted
C-G - Commercial General

MANUFACTURING ZONES

M-C - Manufacturing Commercial
M-I - Light Manufacturing

COASTAL-ORIENTED RELATED ZONES

CO-HR - Hotel and Restaurant
CO-HV - Hotel and Visitor-Serving
CO-H - Harbor
CO-CAR - Commercial, Arts and Recreation
CO-MI - Manufacturing Industrial

PARKS AND RECREATION ZONE

P-R - Parks and Recreation

OVERLAY ZONES

AC - Auto, Commercial, and Services
RD - Research and Development
HWMF - Hazardous Waste Mgmt Facility
PUD - Planned Unit Development
RH - Resort Hotel
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SP-1PP - Park Plaza
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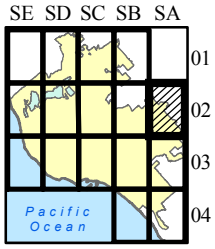
SP7-RC - Riviera Campus
SP8-H - Hospital
SP9-VM - Veronica Meadows
SP10-LP - Las Portales

Coastal Zone Boundary



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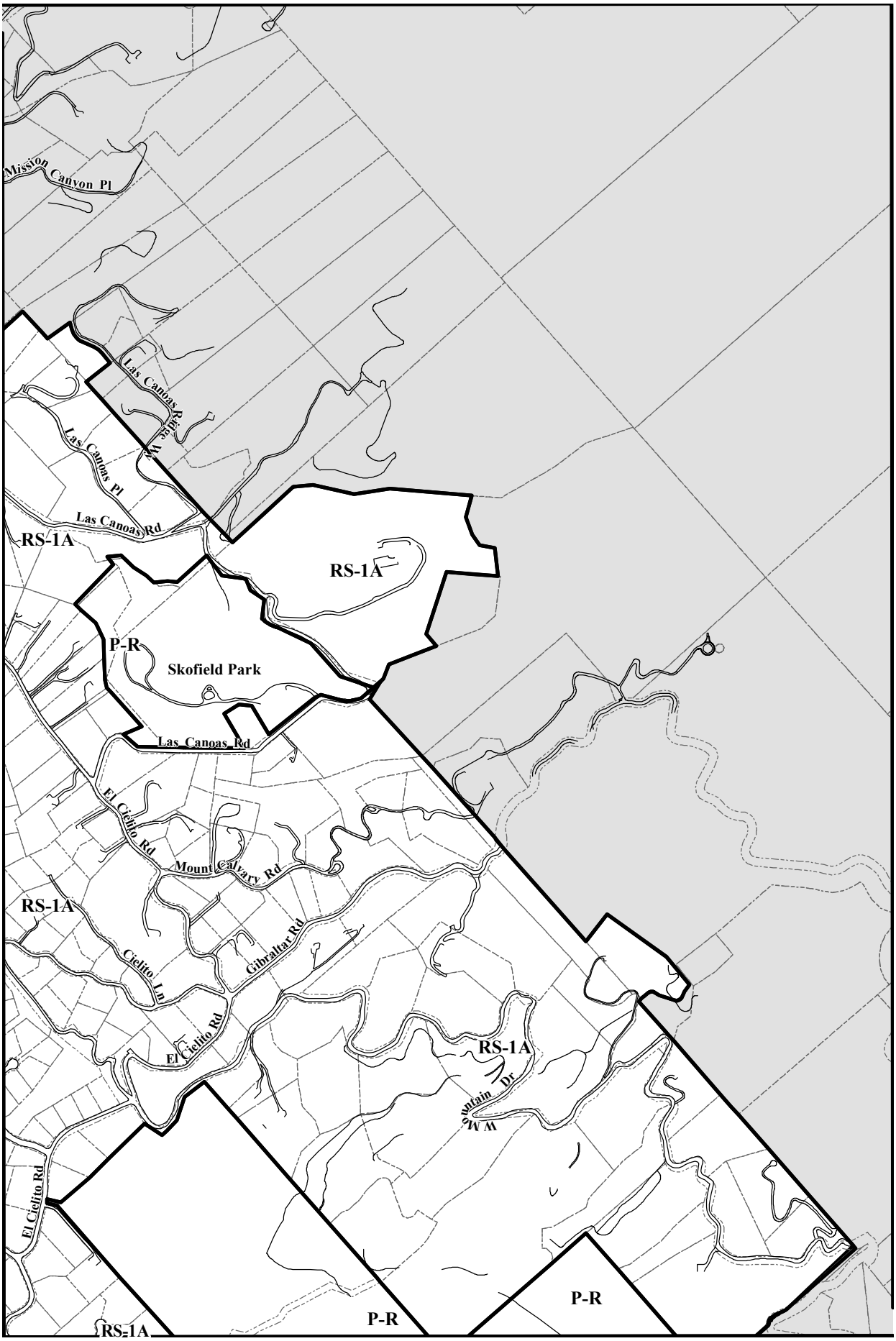

Sectional Map: SA03

Legend

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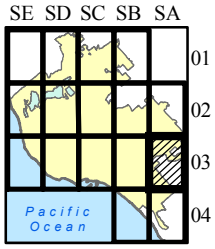

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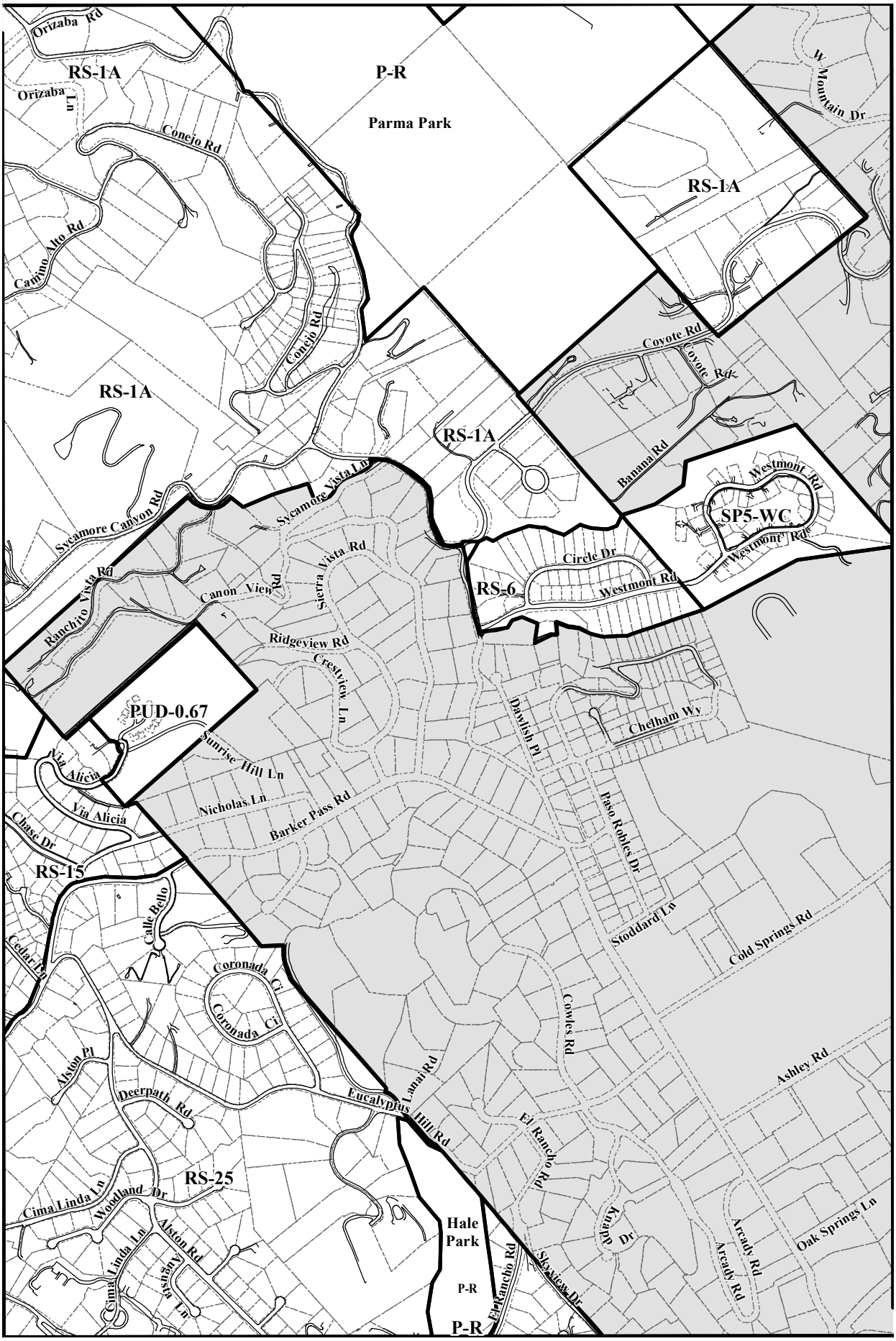

Sectional Map: SA04

Legend

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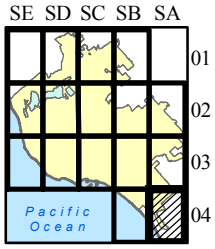

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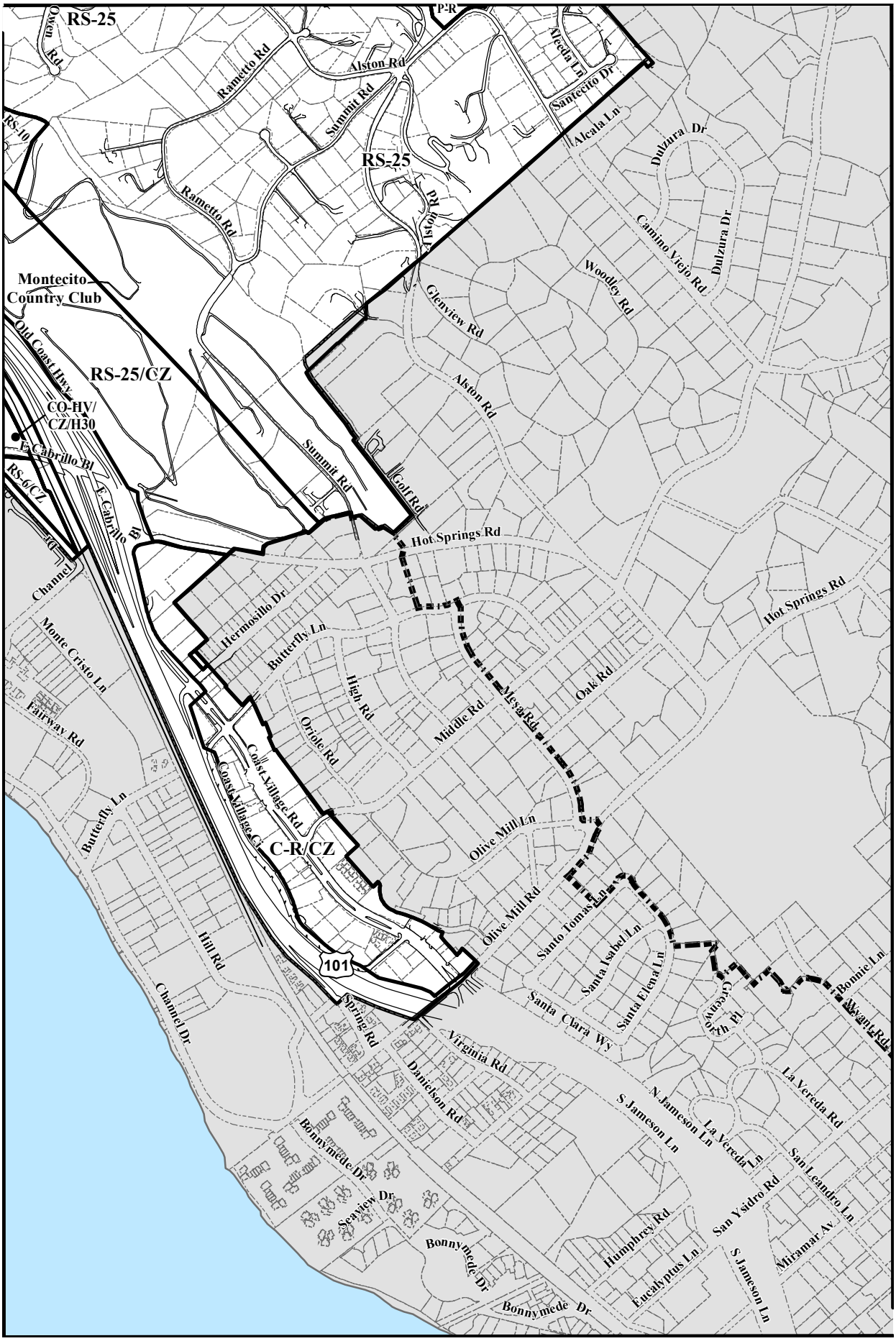

Sectional Map: SB01

Legend

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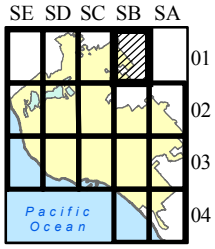

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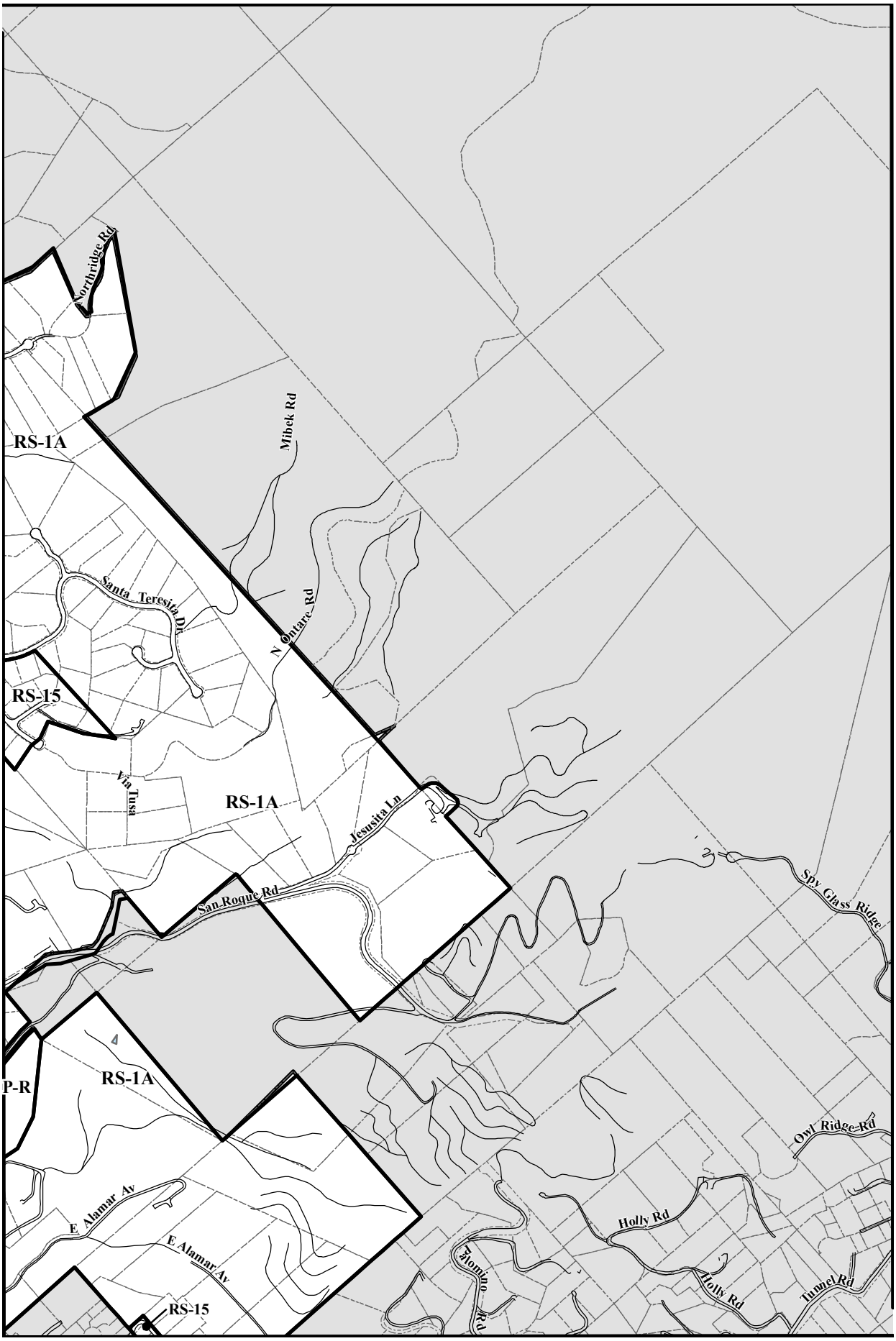

Sectional Map: SB02

Legend

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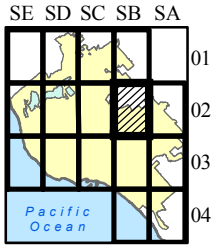

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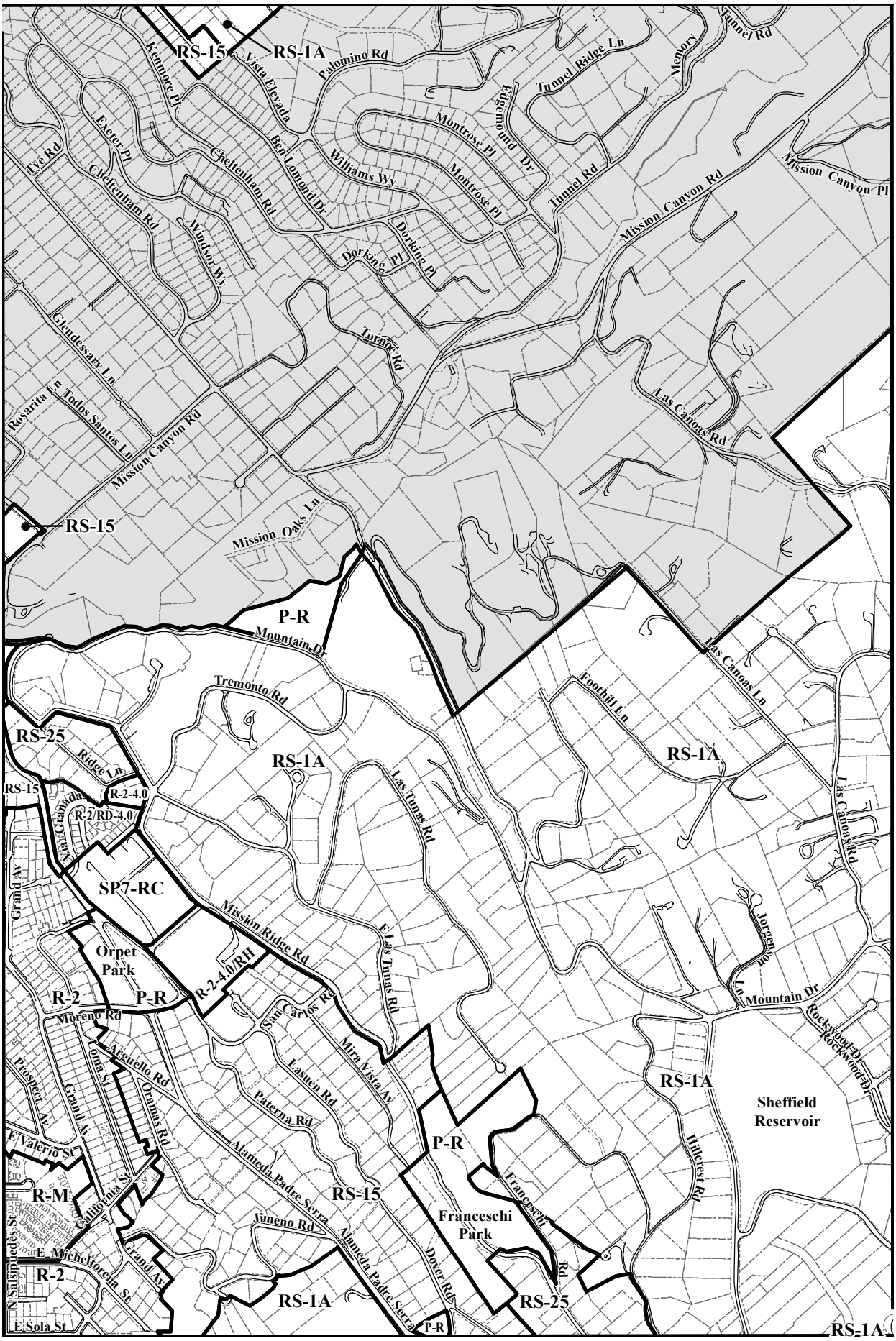

Sectional Map: SB03

Legend

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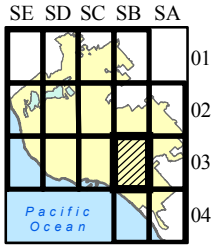

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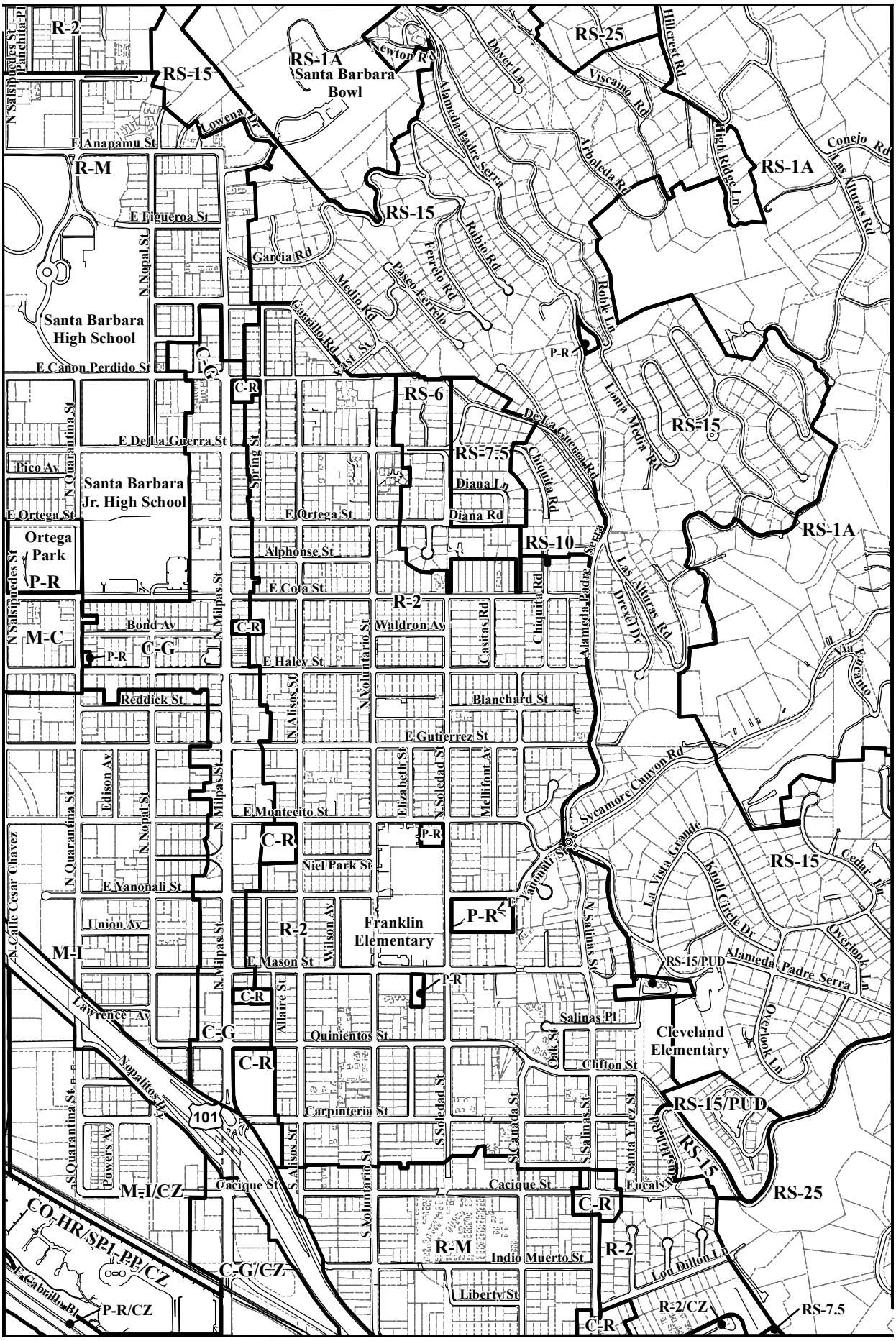
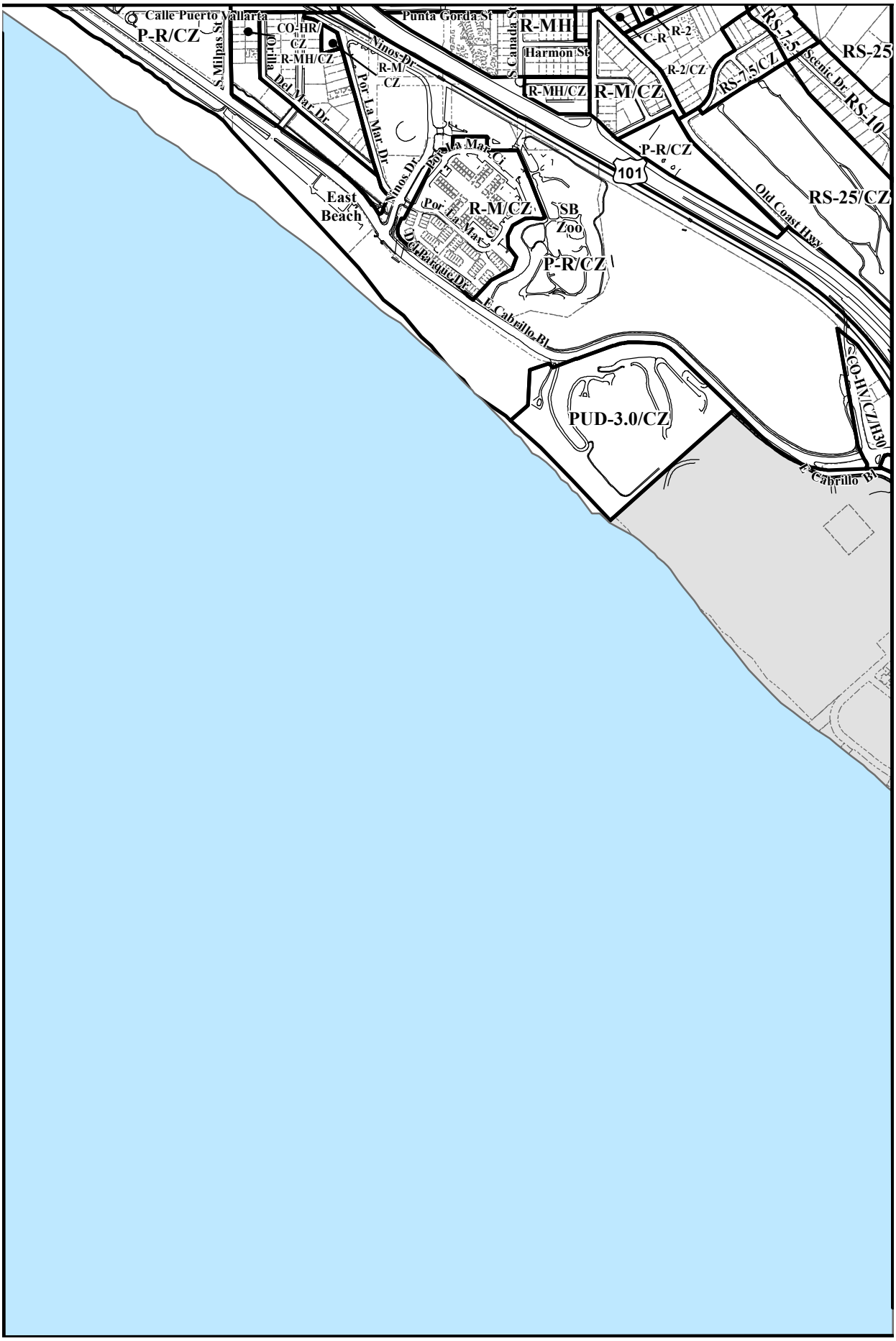


Sectional Map: SB04



Legend

RESIDENTIAL ZONES

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RS-25 - Res. Single Unit, 25k sq ft min lot size
RS-15 - Res. Single Unit, 15k sq ft min lot size
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M-I - Light Manufacturing

COASTAL-ORIENTED RELATED ZONES

CO-HR - Hotel and Restaurant
CO-HV - Hotel and Visitor-Serving
CO-H - Harbor
CO-CAR - Commercial, Arts and Recreation
CO-MI - Manufacturing Industrial

PARKS AND RECREATION ZONE

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HWMF - Hazardous Waste Mgmt Facility
PUD - Planned Unit Development
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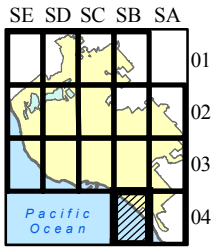
SP7-RC - Riviera Campus
SP8-H - Hospital
SP9-VM - Veronica Meadows
SP10-LP - Las Portales

Coastal Zone Boundary



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Sectional Map: SC01

Legend

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RS-1A - Res. Single Unit, 1 acre min lot size
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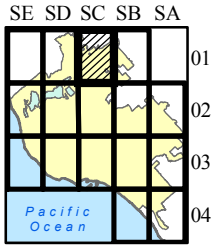

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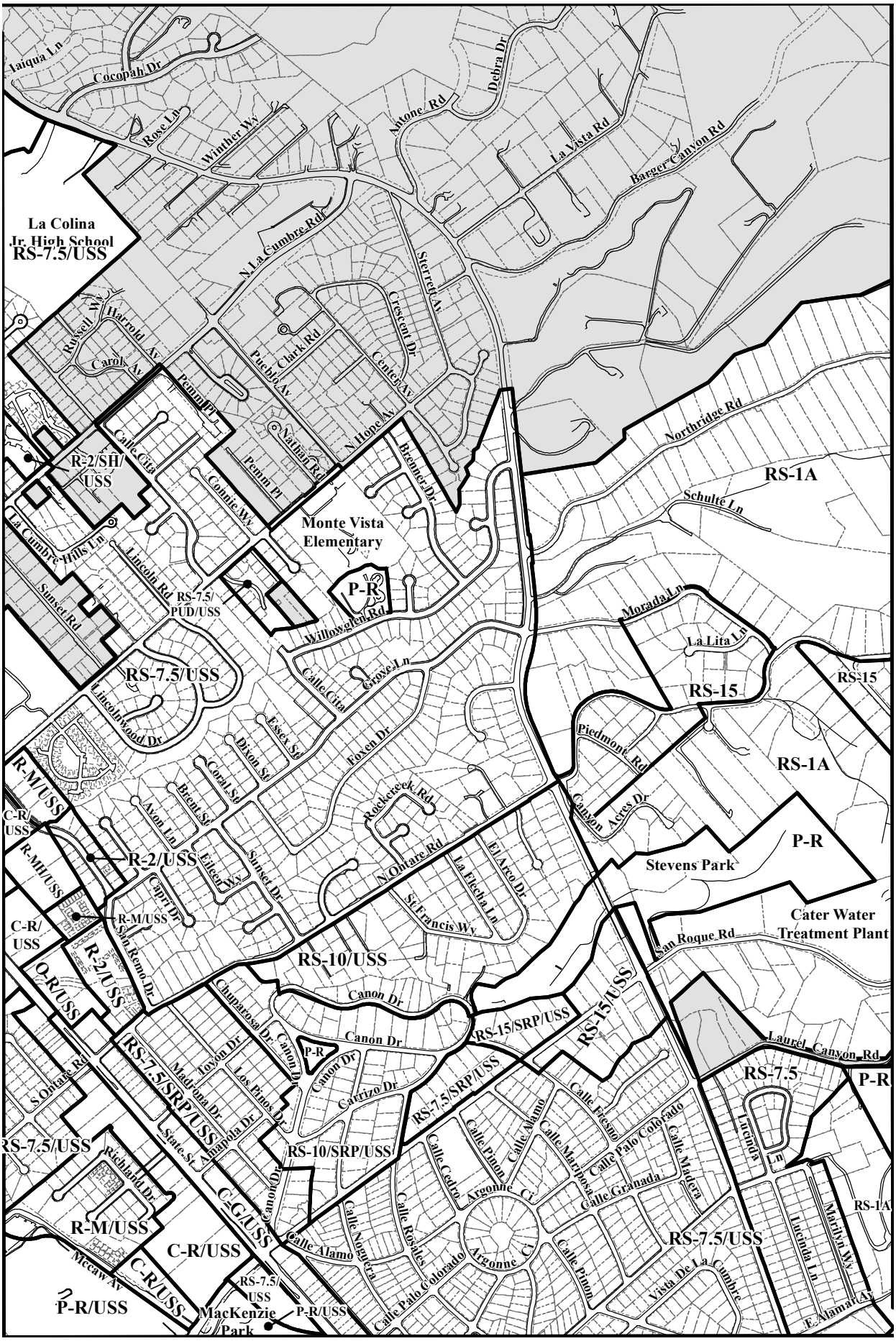

Sectional Map: SC02

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RESIDENTIAL ZONES

RS-1A - Res. Single Unit, 1 acre min lot size
RS-25 - Res. Single Unit, 25k sq ft min lot size
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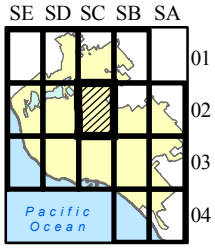

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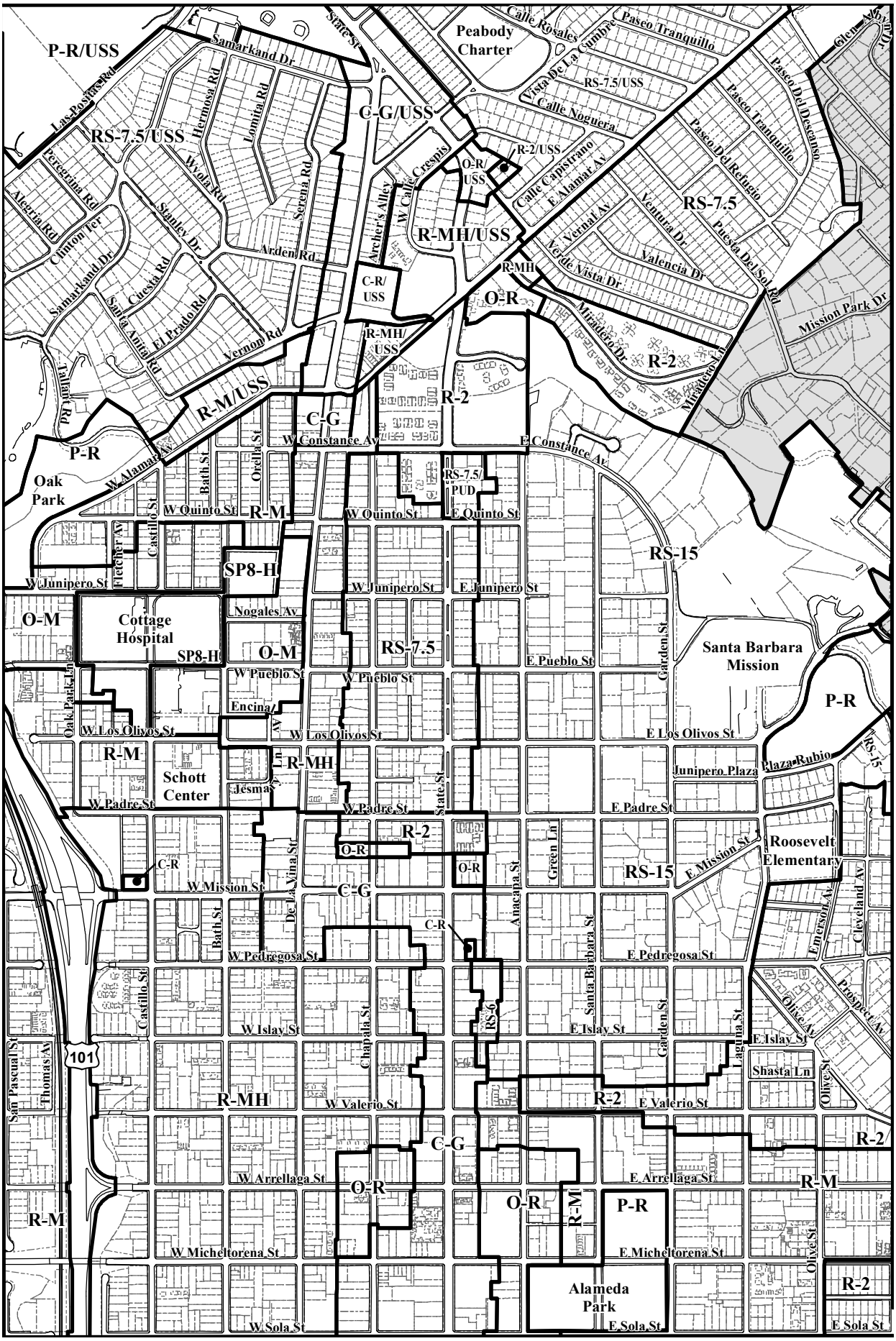

Sectional Map: SC03

Legend

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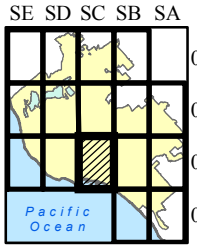

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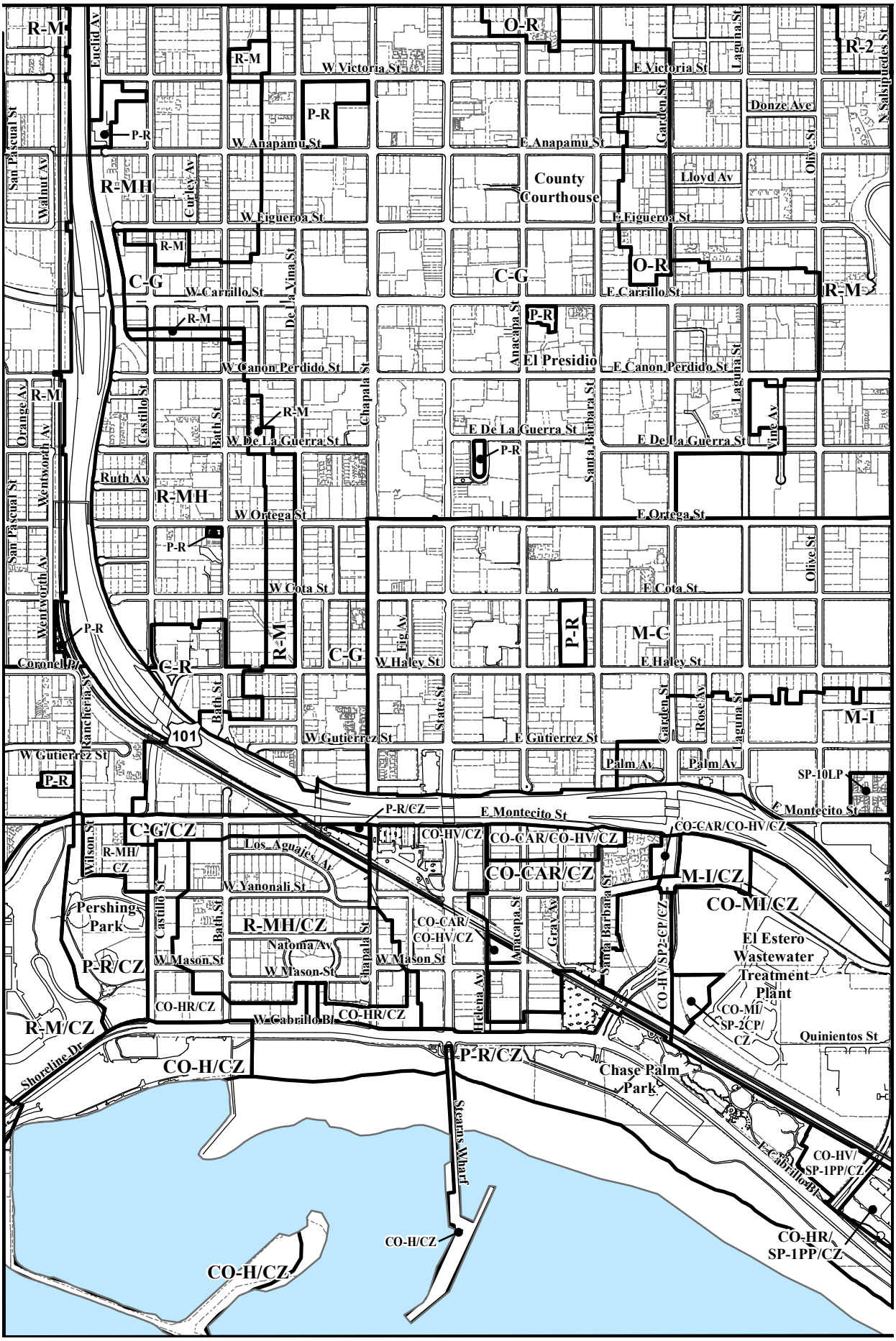

Sectional Map: SD01

Legend

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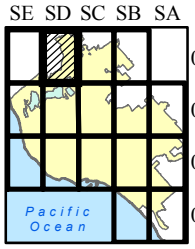

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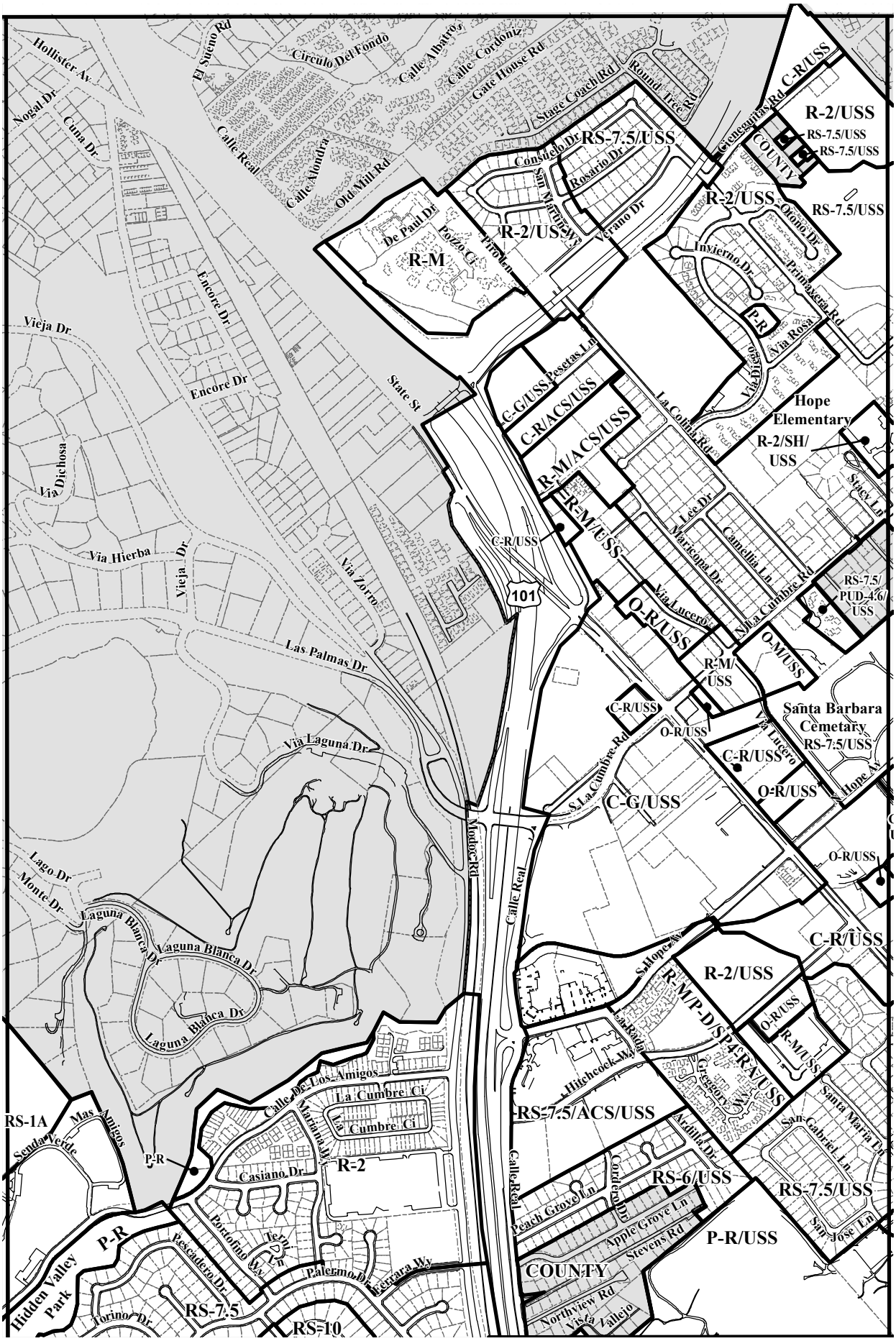

Sectional Map: SD02

Legend

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RS-1A - Res. Single Unit, 1 acre min lot size
RS-25 - Res. Single Unit, 25k sq ft min lot size
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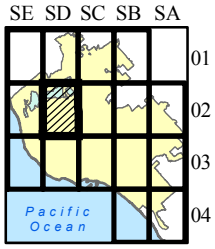

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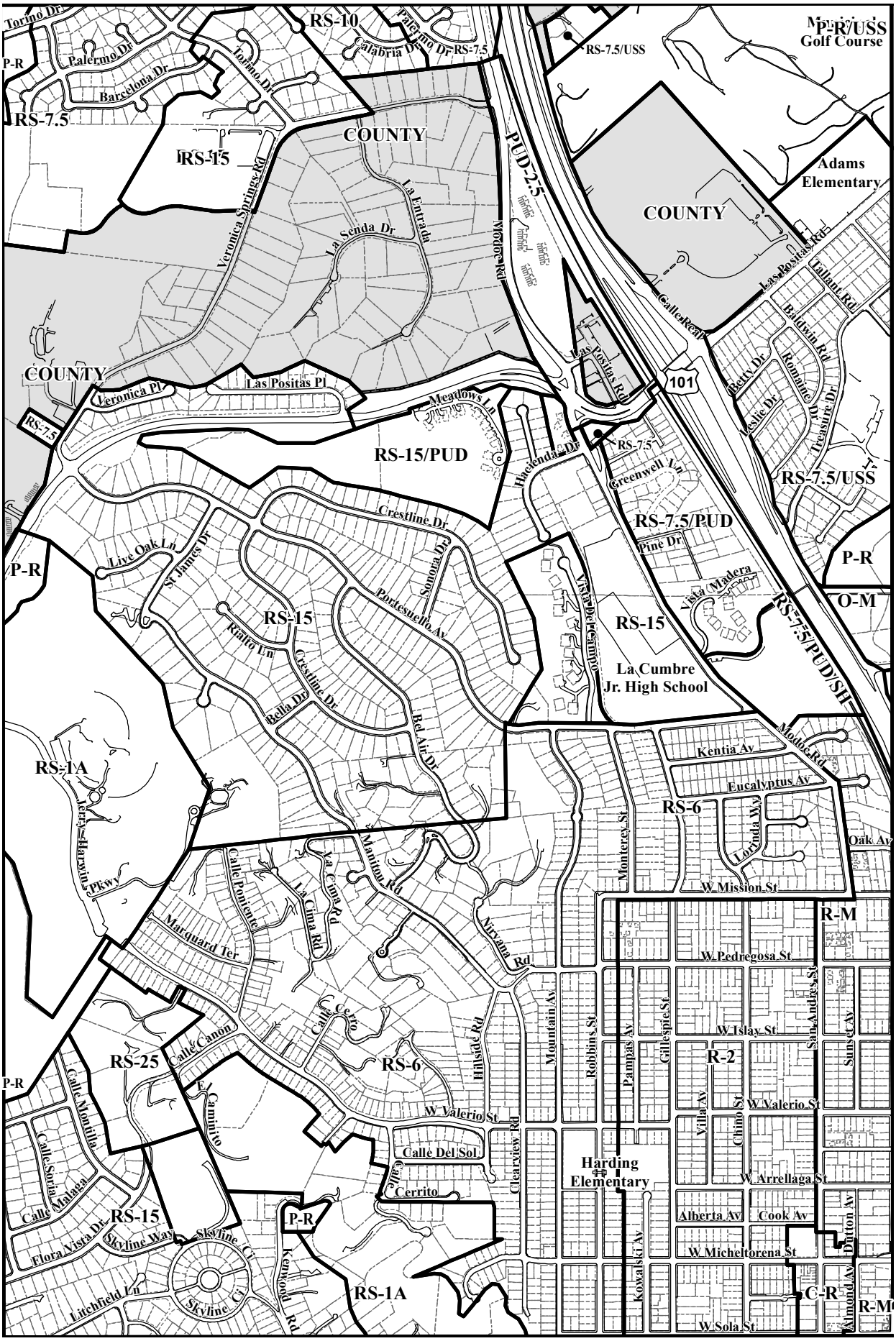

Sectional Map: SD03

Legend

RESIDENTIAL ZONES

RS-1A - Res. Single Unit, 1 acre min lot size
RS-25 - Res. Single Unit, 25k sq ft min lot size
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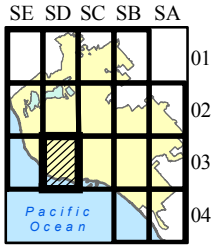

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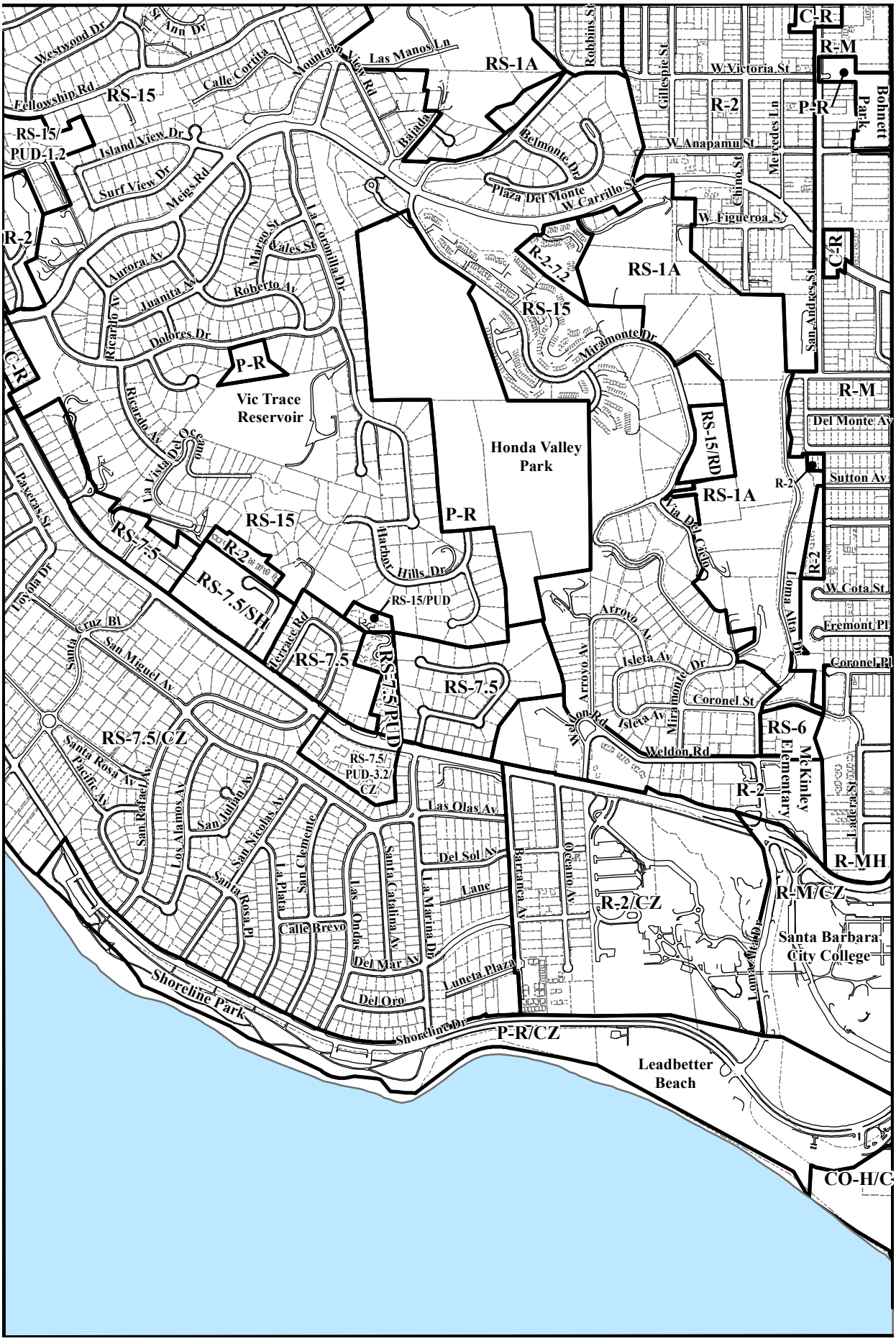

Sectional Map: SE01

Legend

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RS-1A - Res. Single Unit, 1 acre min lot size
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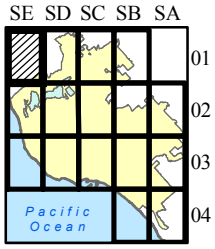

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Sectional Map: SE02

Legend

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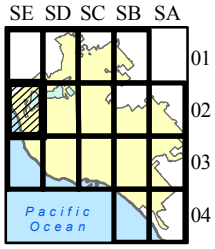

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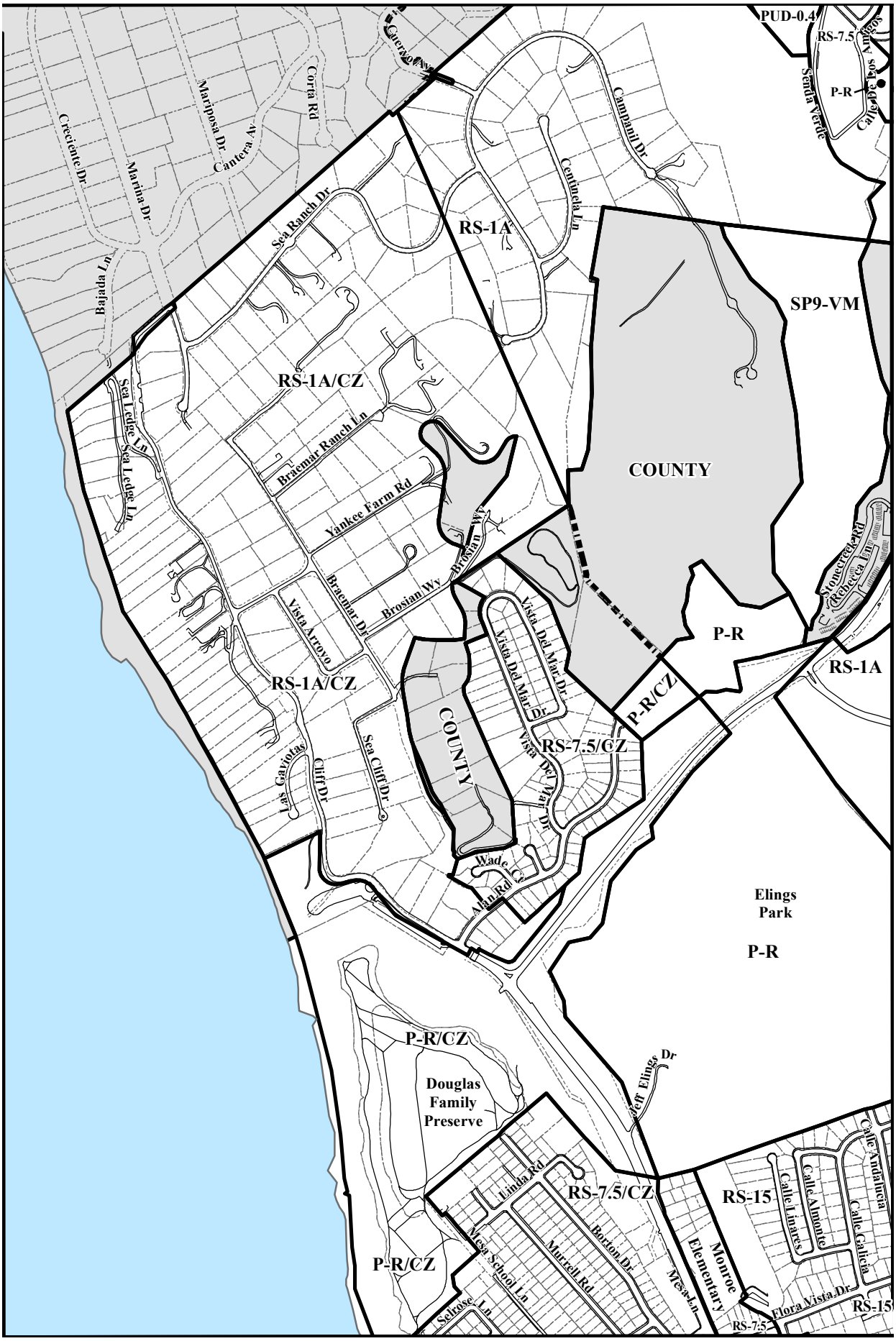
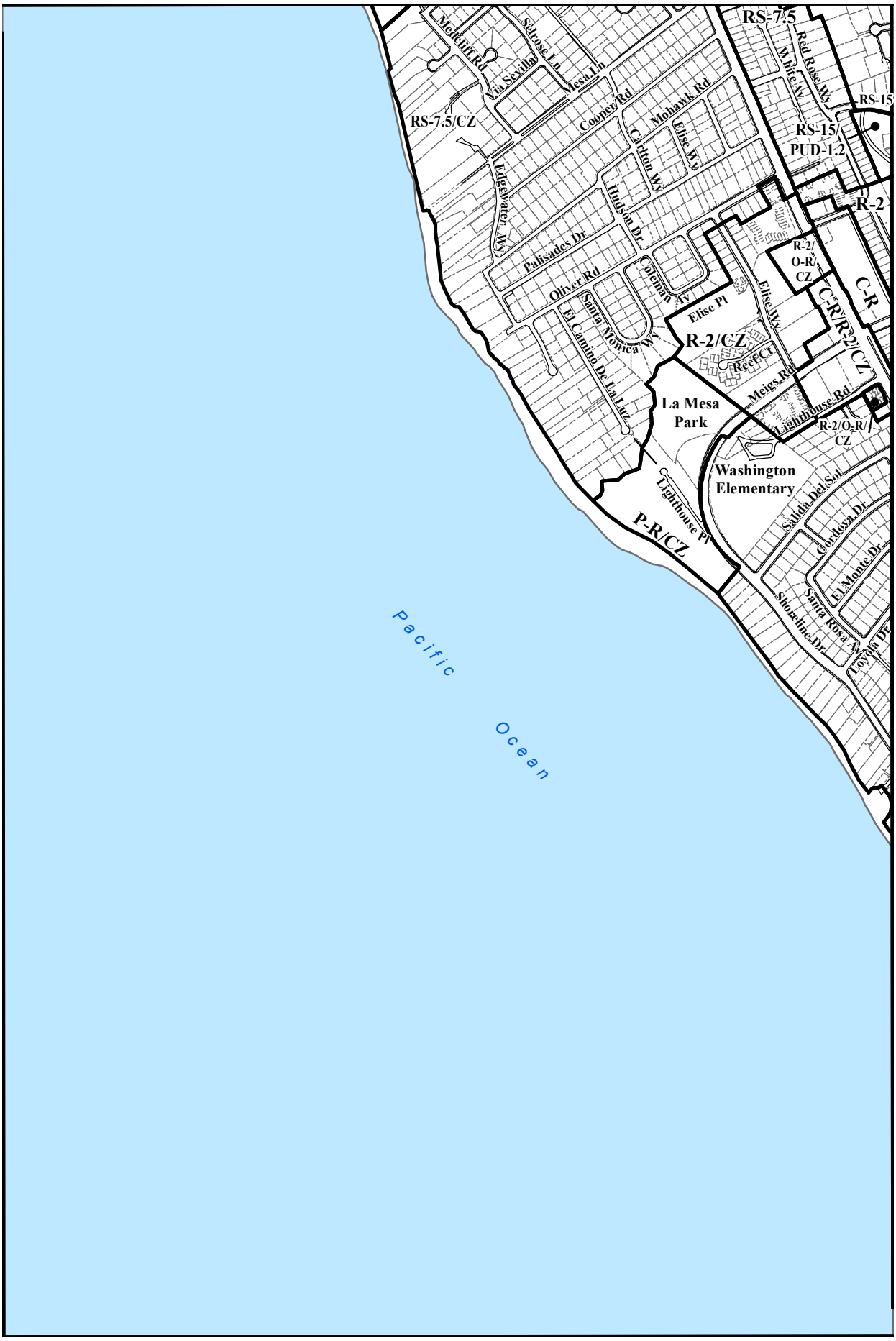


Sectional Map: SE03



Legend

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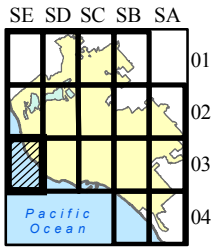

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