



# City of Santa Barbara

## R-3 AND R-4 ZONES (EXCERPT)

### CHAPTER 28.21

#### R-3 LIMITED MULTIPLE-FAMILY RESIDENCE ZONE AND R-4 HOTEL-MOTEL-MULTIPLE RESIDENCE ZONE\*

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##### 28.21.001 In General.

The following regulations shall apply to both the R-3 Limited Multiple-Family Residence Zone and the R-4 Hotel-Motel-Multiple-Residence Zone unless otherwise provided in this ordinance. (Ord. 3710, 1974; Ord. 2585, 1957.)

###### 1. R-3 ZONE.

This is a restricted residential district of high density in which the principal use of land is for multiple-family dwellings, together with recreational, religious and educational facilities required to serve the community. The regulations for this district are designed and intended to establish, maintain and protect the essential characteristics of the district, to develop and sustain a suitable environment for family life and to prohibit activities of a commercial nature and those which would tend to be inharmonious with or injurious to the preservation of a residential environment.

###### 2. R-4 ZONE.

This is a hotel-motel multiple residence district in which the principal use of land is intended to be for multiple housing, together with recreational, religious and educational facilities required to serve the community. The provisions of this ordinance are intended to provide a pleasant and healthful environment by establishing provisions for usable open spaces.

It is the intent of this district to allow hotels and similar establishments, including related recreational, conference center and other auxiliary uses primarily for use by hotel guests, while protecting the existing housing stock, and to preserve the residential character of those neighborhoods which are still primarily residential. In addition, the preservation of buildings of architectural and/or historical significance shall be encouraged. A conversion permit will be required in order to convert existing dwelling units for the purpose of providing hotel or similar uses.

Regulations for this district are designed to control activities of a retail commercial nature and those which would tend to be inharmonious with housing. Restaurants intended to serve the visitors using the established hotels and motels in the immediate vicinity are permitted subject to approval of a conditional use permit. (Ord. 4199, 1983; Ord. 4018 §1, 1979; Ord. 3710, 1974; Ord. 2585, 1957.)

**28.21.030 Uses Permitted.**

**A. R-3 ZONE.**

1. Any use permitted in the R-2 Zone and subject to the restrictions and limitations contained therein, except that any use specifically mentioned hereafter shall be subject to the restrictions of the R-3 Zone.

2. One-, two-, and multiple-family dwellings.

3. Community care facilities, residential care facilities for the elderly and hospices serving 7 to 12 individuals subject to the provisions in Chapter 28.93.

**B. R-4 ZONE.**

1. Any use permitted in the R-3 Zone and subject to the restrictions and limitations contained therein, except that any such use specifically mentioned hereafter shall be subject to the restrictions of the R-4 Zone.

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

**28.21.035 Uses Permitted Upon the Issuance of a Conditional Use Permit or Performance Standard Permit.**

As provided in Chapters 28.93 and 28.94 of this ordinance. (Ord. 5380, 2005; Ord. 3710, 1974; Ord. 2585, 1957.)

**28.21.050 Building Height.**

Three (3) stories, which three (3) stories combined shall not exceed (i) forty-five feet (45') nor (ii) exceed the height limitations imposed for the protection and enhancement of solar access by Chapter 28.11 of this Code. (Ord. 4426, 1986; Ord. 3710, 1974; Ord. 2585, 1957.)

**28.21.060 Setbacks.**

The following setbacks shall be observed on all lots within these zones:

A. Front Setback. A front setback of not less than the indicated distance shall be provided between the front lot line and all buildings, structures, and parking on the lot, as follows:

1. One or two story building or structure: 10 feet
2. Three story building or structure: 15 feet; however, if the net floor area of the third floor is less than fifty percent (50%) of the net floor area of the first floor building footprint, the front setback shall be reduced as follows:
  - a. Ground floor portions: 10 feet
  - b. Second story portions: 10 feet
  - c. Third story portions: 20 feet
3. Parking that does not back out onto the street: 10 feet
4. Parking that backs out onto the street: 20 feet

B. Interior Setback. An interior setback of not less than the indicated distance shall be provided between the interior lot line and all buildings, structures, and parking on the lot as follows:

1. One or two story building or structure: 6 feet
2. Three story building or structure: 10 feet; however, if the net floor area of the third floor is less than fifty percent (50%) of the net floor area of the first floor building footprint, the interior setback shall be reduced as follows:
  - a. Ground floor portions: 6 feet
  - b. Second story portions: 6 feet
  - c. Third story portions: 10 feet
3. Garage, carport or uncovered parking: 6 feet; however, if the width of the lot is less than fifty-five (55) feet at the opening of a garage or carport, the garage or carport opening does not face the street, and the interior depth of the garage or carport does not exceed twenty (20) feet, the setback may be reduced by up to 3 feet by the design review body that reviews the project.

C. Rear Setback. A rear setback of not less than the indicated distance shall be provided between the rear lot line and all buildings, structures, and parking on the lot:

1. Ground floor portions: 6 feet
2. Second story portions: 10 feet
3. Third story portions: 10 feet
4. Garage, carport, or uncovered parking: 3 feet

For purposes of this section, a rear setback shall be provided from the lot line opposite to the front lot line. In the event of two or more front lot lines, the rear setback shall be provided from the lot line opposite to any of the front lot lines. (Ord. 5459, 2008.)

#### **28.21.065 Reduction of Setback Requirements.**

It is hereby declared that under the following conditions a physical hardship exists on all R-3 and R-4 Zone lots, and that the listed modifications are hereby granted where the stated conditions exist.

Other provisions of this title notwithstanding, a conforming addition may be made to an existing nonconforming dwelling where such nonconformance is due to inadequate front setback or interior setbacks, providing said dwelling complied with the setbacks required by ordinance at the time of construction. (Ord. 5459, 2008; Ord. 3710, 1974; Ord. 3587, 1973.)

#### **28.21.070 Distance Between Buildings on the Same Lot.**

No main building shall be closer than fifteen feet (15') to any other main building on the same lot, except that a one-story building shall be no closer than ten feet (10') to another one-story building. (Ord. 3710, 1974; Ord. 2585, 1957.)

**28.21.080 Lot Area and Frontage Requirements.**

A. Minimum Lot Size and Frontage for New Lots. Every lot hereafter created in an R-3 and R-4 Zone shall contain at least fourteen thousand (14,000) square feet and sixty feet (60') of frontage on a public street.

B. Lots Less Than 5,000 Square Feet. Existing lots of less than five thousand (5,000) square feet of net lot area may be used as a building site for a one-family dwelling, provided that all other regulations of the zone prescribed by this title are observed.

C. Existing Lots of 5,000 to 6,999 Square Feet. Existing lots of 5,000 to 6,999 square feet of net lot area, inclusive, may be used as a building site for two (2) dwelling units, provided that all other regulations of the zone prescribed by this title are observed.

D. Lots of 7,000 to 13,999 Square Feet. Existing lots of 7,000 to 13,999 square feet of net lot area, inclusive, may be used as a building site for three (3) units, provided that all other regulations of the zone prescribed by this title are observed.

E. Lots of 14,000 Square Feet or More. For lots of fourteen thousand (14,000) square feet or more of net lot area, a minimum of three thousand five hundred (3,500) square feet of net lot area shall be provided for each dwelling unit hereafter erected.

F. Variable Density in Certain Zones. Lots in the R-3, R-4, C-1, C-2, C-M and R-O Zones, as well as lots in the HRC-2 and OC Zones where residential uses are allowed by the Local Coastal Plan, may be used as a building site for more units than permitted in paragraphs B, C, D and E above if the number of bedrooms in the dwelling unit is limited in accord with the following:

1. Studio unit - one (1) unit per 1,600 square feet of lot area;
2. 1 bedroom unit - one (1) unit per 1,840 square feet of lot area;
3. 2 bedroom unit - one (1) unit per 2,320 square feet of lot area;
4. 3 or more bedroom unit - one (1) unit per 2,800 square feet of lot area.

Existing lots with less than 5,000 square feet of net lot area shall not be used as a building site under this Subsection (F) for more than two (2) dwelling units. This Subsection (F) shall be applicable in the R-3, R-4, C-1, C 2, C-M, R-O, HRC-2 and OC Zones and not in any other zone. The fact that a lot may be subject to an overlay zone, including, but not limited to, the S-D-2 or S-D-3 Overlay Zones, does not prohibit the application of variable density if variable density is otherwise allowed in the base zoning of the lot. (Ord. 5459, 2008; Ord. 5343, 2005; Ord. 4772, 1992; Ord. 3950 §1, 1978; Ord. 3753, 1975.)

**28.21.081 Outdoor Living Space.**

Every lot in this zone shall provide outdoor living space in accordance with either of the following methods:

A. Private Outdoor Living Space Method. Lots providing outdoor living space in accordance with this method shall provide each of the spaces described in paragraphs 1-3 below:

1. Private Outdoor Living Space. Private outdoor living space shall be provided for each dwelling unit as follows:

a. Minimum size. The private outdoor living space shall be not less than the size specified below based on the number of bedrooms in the dwelling unit and the location where the private outdoor living space is provided:

- (1) Ground floor:
  - (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) Second or higher story:
  - (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

b. Minimum Dimensions. The private outdoor living space shall have minimum dimensions as specified below, measured in perpendicular directions based on the location where the private outdoor living space is provided:

- (1) Ground floor: 10 feet
- (2) Second or higher story: 6 feet

c. Connectivity. Private outdoor living space shall be contiguous to and accessible from the dwelling unit for which it is provided.

d. Multi-story dwelling units. Dwelling units that occupy more than one story may provide the required private outdoor living space on any story.

e. Allowed amenities. Private outdoor living space may include planter areas totaling no more than fifty (50) square feet, patio areas, balconies, and decks.

f. Exclusions. Private outdoor living space shall not include stairs, entrance decks, or landings. In addition, private outdoor living space shall not include areas located under eaves, balconies, or other cantilevered architectural or building projections not providing additional floor area where the vertical clearance under the architectural or building projection is less than seven feet.

g. Allowed setback encroachments. Private outdoor living space may encroach into setbacks as follows:

- (1) Uncovered balconies may encroach up to two (2) feet into any setback.

(2) Private outdoor living space provided on grade may encroach into interior and rear setbacks up to the property line.

h. On grade private outdoor living space in the front yard. Private outdoor living space provided on grade may be located up to ten (10) feet from the front lot line, subject to the following conditions:

(1) The area of the private outdoor living space located in the front yard may not exceed more than 50% of the front yard area, excluding driveways.

(2) The private outdoor living space provided in the front yard shall be enclosed by a solid fence having a minimum height of five (5) feet and a maximum height of six (6) feet. The exterior of the fence shall be landscaped. However, the design review body that reviews the project may reduce or waive the requirement for a fence or landscaping in order to preserve substantial views from the unit being served by the private outdoor living space or if the area does not abut a street.

2. Open Space. In addition to all setbacks, every lot satisfying the outdoor living space requirement in accordance with this private outdoor living space method shall provide on grade open space of an area not less than ten percent (10%) of the net lot area in accordance with the provisions of this paragraph 2. The intent of this provision is to provide relief from building volume, driveways and parking beyond that afforded by setbacks.

a. The required open space may consist of landscaped or hardscaped areas unobstructed from the ground upwards, including, but not limited to:

- (1) Walks,
- (2) Patios,
- (3) Planted areas,

- (4) Decks no more than 18” above grade at all points, and
- (5) Swimming pool areas.

b. The required open space shall not consist of the following:

- (1) Garages,
- (2) Carports,
- (3) Driveways,
- (4) Loading areas,
- (5) Parking and turnaround areas,
- (6) Balconies,
- (7) Porches,
- (8) Decks higher than 18” above grade at any point,
- (9) Roof decks, or

(10) Areas located under trellises, arbors, eaves, balconies, bay windows, window seats, or other cantilevered architectural or building projections where the vertical clearance under the structure or architectural or building projection is less than seven feet.

3. Common Open Area. Every lot satisfying the outdoor living space requirement in accordance with this private outdoor living space method shall provide a common open area in accordance with this paragraph 3. The common open area shall have a minimum dimension of fifteen (15) feet measured in perpendicular directions and shall be accessible to all dwelling units on the lot. The common open area may be located on grade, on the second or higher story, or on a roof deck. The common open area may include portions of the interior or rear setback areas, but shall not include any portion of a front yard except a secondary front yard. No portion of a common open area provided in a secondary front yard shall be located less than ten (10) feet from the front lot line. The common open area required in this paragraph 3 may be counted as part of the open space required in paragraph 2 as long as the other conditions of paragraph 2 are satisfied.

B. Common Outdoor Living Space Method. Lots providing outdoor living space in accordance with this method shall provide common outdoor living space in accordance with the following:

1. Accessibility. The common outdoor living space shall be accessible to all dwelling units on the lot.

2. Minimum Size. The common outdoor living space shall consist of at least fifteen percent (15%) of the net lot area.

3. Minimum Dimensions. The common outdoor living space may be provided in multiple locations on the lot, but at least one location shall have a minimum dimension of twenty (20) feet measured in perpendicular directions.

4. Location. Common outdoor living space must be located on grade. Common outdoor living space may be located in an interior or rear setback, but shall not include any portion of a front yard except a secondary front yard. No portion of the common outdoor living space provided in a secondary front yard shall be located less than ten (10) feet from the front lot line.

5. Exclusions. Common outdoor living space shall not include any of the following areas:

a. Areas designed for use by motor vehicles, including, but not limited to, driveways, parking, and turnaround areas.

b. Decks, patios, terraces, or similar improvements where the maximum height of the improvement above grade is greater than 36 inches.

c. Areas located under trellises, arbors, eaves, balconies, bay windows, window seats, or other architectural or building projections where the vertical clearance under the structure or architectural or building projection is less than seven feet. (Ord. 5459, 2008.)

**28.21.085 Regulations for Nonresidential Buildings, Structures and Uses.**

A. SETBACKS. Setbacks for all buildings and structures used for nonresidential purposes shall be double the setback requirements for a dwelling as required for the zone in which such building or structure is located. Notwithstanding the foregoing, the following shall be exempt from the double setback requirement:

1. Conversions of existing residential structures to structures that contain nonresidential uses specifically allowed in Paragraph 28.21.030.B.2, and

2. Remodels of existing buildings that contain nonresidential uses specifically allowed in Paragraph 28.21.030.B.2.

B. LOT COVERAGE. Not more than twenty-five percent (25%) of the net area of a lot may be covered by buildings used for nonresidential purposes. Notwithstanding the foregoing, the following shall be exempt from the lot coverage limitation:

1. Conversions of existing residential structures to structures that contain nonresidential uses specifically allowed in Paragraph 28.21.030.B.2, and

2. Remodels of existing buildings that contain nonresidential uses specifically allowed in Paragraph 28.21.030.B.2.

C. ARCHITECTURAL APPROVAL. All buildings used for nonresidential purposes shall be subject to the 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 landmark district or if the structure is a designated City Landmark. (Ord. 5459, 2008; Ord. 4946, 1996; Ord. 4851, 1994; Ord. 3710, 1974; Ord. 2585, 1957.)

**28.21.090 Other Requirements.**

The City Council may impose other requirements as may be deemed necessary to preserve the residential character of the neighborhood including the mailing of notices to property owners and the holding of a public hearing. (Ord. 3710, 1974; Ord. 2585, 1957.)

**28.21.100 Off-street Parking.**

Off-street parking shall be provided as required in Chapter 28.90 of this title. (Ord. 3710, 1974; Ord. 2585, 1957.)

**28.21.110 Signs.**

Signs shall be permitted in these zones only as prescribed in the Sign Ordinance of the City of Santa Barbara. (Ord. 3710, 1974; Ord. 2585, 1957.)

**28.21.120 Public Street Requirements.**

1. When any person proposes to construct one (1) or more multiple-family dwellings, wherein the number of dwelling units is controlled by Section 28.21.080.4, on a lot or combination of lots, the size, shape, dimensions or topography of which, in relation to existing abutting public streets, require that there be an adequate access or internal circulation roadway for vehicular traffic including but not limited to emergency vehicles and equipment traffic, the Chief of Building and Zoning may, prior and as a condition to the issuance of a building permit for such dwelling or dwellings, require the submission by the owner or applicant of a plot plan of such lot or combination of lots showing the location of all existing buildings and all buildings proposed to be constructed thereon and showing the location, width, and extent of

improvements of an adequate access or internal circulation roadway thereon designed to connect with the abutting public street or streets.

The term adequate access or internal circulation roadway shall mean a dedicated public street established and improved to City standards and so located as to provide convenient and orderly traffic movement, ingress and egress and circulation upon, through and within the lot or combination of lots in relation to abutting streets, the multiple-family dwelling or dwellings, and the off-street parking areas required in connection with such dwelling or dwellings.

The plot plan and adequate access or internal circulation roadway shall be required by the Chief of Building and Zoning where:

- a. The lot or combination of lots which is the site of the proposed construction exceeds five (5) acres; or
- b. The maximum possible number of dwelling units which could be constructed on such lot or combination of lots, pursuant to Section 28.21.080.4 exceeds one hundred (100); or
- c. Any portion of a multiple-family dwelling proposed to be constructed on the lot or combination of lots will be more than two hundred and fifty feet (250') from the right-of-way line of an abutting street.

When none of the three (3) foregoing categories are applicable to the lot or combination of lots, the adequate access or internal circulation roadway as defined herein shall not be required where the lot or combination of lots abut on a previously dedicated street or streets and where the private driveway access from the nearest entry to the required off-street parking area to the point of connection with such street or streets does not exceed one hundred and fifty (150) lineal feet.

2. When the plot plan required by the Chief of Building and Zoning is filed, the building official shall forthwith submit the same to the Division of Land Use Controls and the Public Works Department for investigation, report and recommendation. Such reports and recommendations shall be submitted to the Planning Commission for hearing at its earliest convenience, and such Planning Commission shall, following such hearing, approve, modify or reject such proposed adequate access or internal circulation roadway in respect to location and connection with existing abutting street or streets.

3. The owner or applicant may appeal any decision of the Planning Commission to the City Council in the manner provided by Chapter 28.92 of this ordinance.

4. Following approval by the Planning Commission or the City Council, as the case may be, of the proposed adequate access or internal circulation roadway shown on the plot plan, the owner or applicant shall:

- a. By formal instrument offer to dedicate said proposed roadway as a public street; and
- b. Either complete the required improvement of such public street to the satisfaction of the City Engineer or agree to complete such improvement within a period of one (1) year, such agreement to be secured by a good and sufficient surety bond in a principal sum equivalent to the estimated cost of such public street on the basis of estimates to be provided by the Department of Public Works, and conditioned on final completion of the construction of said street.

5. Upon completion of such public street improvement to the satisfaction of the City Engineer, or the execution and acceptance of an agreement to complete, secured by bond, a building permit shall then be issued if the requirements of other applicable ordinances have been met. The offer of dedication shall continue until and shall not be accepted until the required improvements have been completed to the satisfaction of the City Engineer. (Ord. 3710, 1974; Ord. 3119, 1966; Ord. 3118, 1966.)

### **28.21.130 Development Plan Approval.**

Development plan review and approval by the Planning Commission are sometimes required by Section 28.87.300 of this Code. (Ord. 4140, 1982.)

**28.21.131 Development Potential.**

Notwithstanding any provision of law to the contrary, no application for a land use permit for a nonresidential construction project will be accepted or approved on or after December 6, 1989 unless the project complies with the provisions outlined in General Provisions, Development Plan Approval, Section 28.87.300. (Ord. 4670, 1991.)

***\*Note: This is an excerpt from the Zoning Ordinance. Please refer to the Zoning Ordinance for additional information.***