



City of Santa Barbara California

PLANNING COMMISSION STAFF REPORT

REPORT DATE: April 4, 2013
AGENDA DATE: April 11, 2013
PROJECT TITLE: Draft Zoning Ordinance Amendments Related to the Implementation of the Average Unit-Size Density Incentive Program
TO: Planning Commission
FROM: Planning Division, (805) 564-5470
 Bettie Weiss, City Planner *BLW*
 John Ledbetter, Principal Planner *JL*
 Irma Unzueta, Project Planner *IU*

I. RECOMMENDATION

That the Planning Commission review and forward a recommendation to the City Council regarding the draft Zoning Ordinance language for the Average Unit-Size Density (AUD) Incentive Program.

II. BACKGROUND

The AUD Program is directed by policies in the Land Use and Housing Elements of the General Plan and Council Resolution No. 09-058, and is intended to replace the existing Variable Density Program. The existing Variable Density provisions would be suspended during the AUD Program trial period.

Projects developed or approved under the current variable density provisions prior to the adoption of the AUD Program would remain legal and conforming land uses. Projects developed using variable density standards would be permitted to add floor area if it does not result in additional units or bedrooms, unless such additions conform to base density. Existing variable density projects could convert to AUD units if all applicable standards of the AUD Program are met. However, existing variable density projects could not demolish and rebuild under Variable Density standards.

The AUD Program is proposed to encourage smaller, more affordable units through established unit sizes in selected areas of the City (Exhibit A). It allows increased residential density incentives and flexibility of development standards, such as reduced parking requirements, to facilitate the construction of smaller residential units, particularly priority housing. Priority housing includes rental, employer sponsored housing and limited equity housing cooperatives.

On April 10, 2012, the City Council initiated Zoning Ordinance amendments to implement the AUD Program. As directed by City Council, following adoption the AUD Program will be in effect for eight years, or once 250 units have been developed in the High Density areas, whichever occurs sooner. Prior to the end of the 8-year trial period, the Council will consider whether to extend or modify the Program. If the AUD Program is not extended or modified,

the residential density will revert back to the Variable Density standards in place prior to adoption of the 2011 General Plan Update.

To formulate the mechanics of the AUD Program, Staff collaborated with a technical advisory group of community members. Specific areas of collaboration included average unit size ranges, priority housing parameters, and flexibility in development standards, including setback, open space and parking requirements. The key components of the AUD Program and proposed ordinance amendments were then presented to the Planning Commission, Architectural Board of Review and Historic Landmarks Commission in July and August of 2012.

Interest in the City's proposed Employer Sponsored Housing Program prompted the City to hold a community forum on September, 12, 2012 to begin the necessary dialogue with employers, developers and lenders to identify what is needed to create a viable and successful program. The forum included a panel discussion with community representatives who have experience in the provision of workforce housing. The benefits and challenges of an Employer Sponsored Housing Program were discussed and recommendations on ways to facilitate the viability and success of this program were identified.

Because the success of this program is dependent on employer participation, the forum served as the initial discourse between the City and local businesses regarding the opportunities and benefits that could be derived by participating in the program. Potential challenges of the program were also discussed and ideas to reduce them were identified and recommended by the forum panel. Please refer to Exhibit B for a detailed account of the forum panel discussion and recommendations.

III. DISCUSSION

The key components of the AUD Program have been presented to the Planning Commission, Architectural Board of Review and Historic Landmark Commission for discussion and feedback. A brief summary of this review and the related proposed ordinance text changes are provided below. The Draft Average Unit-Size Density Incentive Program Ordinance (Chapter 28.20) is included as Exhibit C.

AVERAGE UNIT SIZE RANGES AND DENSITIES

The Variable Density program calculates residential density based on the number of bedrooms. Because the program did not regulate the size of the units, the Variable Density program unintentionally resulted in larger units and buildings. The AUD Program would regulate residential density based on the average unit size, and is designed to produce smaller units and smaller buildings located primarily in and around the Downtown.

The AUD Program is proposed for the Medium-High and High Density designated areas of the City. The Priority Housing Overlay can be applied in the High Density areas and the C-M Zone (Commercial Manufacturing) for additional residential densities when the development qualifies as a Community Benefit housing project, including rentals, employer sponsored housing, and limited equity housing cooperatives.

As part of the General Plan Update adoption in December 2011, the City Council approved density ranges for the Medium-High (15-27 du/ac) and High Density (28-36 du/ac)

designations, as well as the Priority Housing Overlay (37-63 du/ac) with maximum average unit sizes for each density (Exhibit D). Please note that while each density range identifies a maximum average unit size (not to be exceeded), it does not preclude a project from proposing a lower average unit size. For example, a Medium High Density project proposing development at 25 du/ac may not exceed a maximum average unit size of 870 square feet, but could propose a lower maximum average unit size (e.g., 500 square feet).

Note that the base density for multi-family and commercial zones (where residential is allowed) will continue to be a range of 12-18 dwelling units per acre based on zoning standards. Projects that develop at the base density are exempted from the minimum density requirements of the Medium-High and High Density designations and are not subject to unit size limitations. However, such projects cannot apply the minimum one parking space per unit or other development standard incentives allowed by the AUD Program.

HOUSING TYPES

One of the primary goals of the General Plan Update is to encourage the production of affordable workforce housing, specifically rental, employer sponsored housing, and limited equity housing cooperatives. Such housing is considered a community benefit land use and supported by numerous policies and programs in both the Land Use and Housing Elements. These types of multi-unit housing fall into two categories: market rate units and priority housing, which is achieved through the Priority Housing Overlay.

Market Rate Units

Market rate units are permitted under the AUD Program. These units would likely be constructed in the Medium-High and High Density designated areas, and in exchange would be required to provide smaller unit sizes to qualify for the density and development standard incentives allowed under the program. Also, market rate units, excluding employer sponsored housing, would be subject to the inclusionary housing ordinance.

Priority Housing

The primary objective of the Priority Housing Overlay is to encourage the construction of long-term affordable housing, with special emphasis on rental units, employer sponsored housing, limited equity housing cooperatives. This type of housing is considered a community benefit and therefore could be allowed increased densities of up to 63 dwelling units per acre under the AUD Program.

- **Rental Units:** Rental units developed under the AUD Program would not be price or income restricted. However, in order to qualify for the Priority Housing Overlay density incentives allowed under the AUD Program, the owner must agree to maintain the units as rental for the life of the project.
- **Employer Sponsored Housing:** This type of housing is developed by an employer or group of employers and the units dedicated to households that include at least one person who works on the south coast region (from the city of Carpentry, to, and including the City of Goleta) of Santa Barbara County. In order to qualify for the density and development standard incentives allowed under the AUD Program, the owner(s) must limit the

occupancy of the residential units to include at least one person who works on the south coast region of Santa Barbara County for the life of the project.

- **Limited Equity Housing Cooperative:** This type of housing is defined as shared ownership of the entire project where individuals occupy one unit and take part in management decisions. Limited equity housing cooperatives restrict resale price, which helps maintain a specified level of affordability to subsequent shareholders. In order to qualify for the density incentives allowed under the AUD Program, a limited equity housing cooperative must be affordable to households earning from 120% to 250% of the Area Median Income as defined in the City's Affordable Housing Policies and Procedures.

DEVELOPMENT STANDARDS

Parking Requirements

The City Council has authorized that projects developed under the AUD Program can provide a minimum of one parking space per residential unit and would not be required to provide guest parking. The intent is to facilitate unit affordability and help decrease building mass. Reduced parking requirements are consistent with policies of the Housing Element (H17 and H17.1) that support flexibility in development standards to facilitate additional housing.

Variable Setbacks

Currently, the C-2 and C-M zones do not require a front setback. Implementation Action LG12.3 of the General Plan Land Use Element encourages the variation of building setbacks along street frontages as it would support the City's urban forest and help soften buildings. The AUD Program ordinance includes a provision to implement a 5-foot variable front yard setback for AUD mixed use projects developed in commercial zones in which there currently is no front yard setback required (excluding State Street and first blocks of cross streets between Montecito and Sola Streets). Exclusively residential developments would apply the R-3/R-4 setback requirements of the AUD Program ordinance. The ordinance would not have any effect on existing developments.

Open Space Requirements

There are two methods of applying outdoor living space requirements to multi-family or mixed use projects. Projects have the option of selecting either one of these methods.

Method A: The Private Outdoor Living Space Method (SBMC § 28.21.081.A) requires projects to provide all three of the following:

- A private outdoor living space for each dwelling unit (with specific requirements);
- An on-grade open space area of not less than 10% of the net lot area; and
- A common open area with minimum dimensions of 15'x 15'

Staff recommends eliminating the 10% open space requirement for mixed use projects developing under the AUD Program. Offering this incentive will provide flexibility in project design, thus facilitating additional residential units as part of the project. Since the 10% open space requirement was originally intended for residential uses in the multi-family zones, not

mixed use projects in commercial zones, Staff believes that eliminating this requirement would be a reasonable incentive in order to gain additional affordable and workforce units.

In July and August 2012, Staff reviewed the proposed open space changes with the Planning Commission and Design Review Boards. Although concern was expressed that eliminating the 10% requirement might raise neighborhood compatibility issues, Staff views this as an appropriate incentive to encourage the construction of smaller, more affordable units intended for lower income and workforce households. In addition, the implementation of the proposed 5-foot variable setbacks along street frontages in the C-2 and C-M zones would help to offset the elimination of the 10% open space area requirement.

Method B: The Common Outdoor Living Space Method (SBMC § 28.21.081.B) requires projects to provide a common outdoor living space of at least 15 percent of the net lot area, adhering to the following requirements:

- The area must be on-grade;
- The area may be provided on multiple locations;
- At least one location must have a dimension of 20' x 20'; and
- The area may include the interior and rear yard setbacks, but not the front yard

Providing the 15% common outdoor living space on grade has been problematic for projects proposing at-grade parking garages. In order to accommodate the 15% common outdoor living space requirement on the ground, projects must decrease building square footage, which could result in a reduced number of residential units. Developments with fewer units do less to address the current jobs/housing balance, which is counter to a fundamental principle of *Plan Santa Barbara*, to encourage additional residential units, especially for lower income and workforce households.

In the past, the common outdoor living space requirement has been effectively met on upper floors through the use of zoning modifications. Therefore, Staff recommends that this requirement be modified to allow flexibility in the location where the common outdoor living space is provided for AUD mixed use projects applying this requirement. In addition, Staff is proposing that the 15% common outdoor living space requirement be reduced to 10% for projects developing under the AUD program, and within ¼ mile from a park. These amendments are supported by Housing Element Implementation Action H17.2 allowing flexibility in how, where and the extent of outdoor living space required for housing development in commercial zones.

Distance Between Buildings

Exclusively residential or mixed use AUD projects would be allowed to reduce the distance between buildings on the same lot requirement, from 15 feet to 10 feet. Reducing this requirement is intended to facilitate the construction of additional housing units.

Building Height

The recently adopted General Plan Update includes Implementation Action LG12.4 directing that zoning standards be amended to require special findings and super majority (five

affirmative votes) approval by the Planning Commission for Community Benefit projects that exceed 45 feet in height. Currently only the C-2, C-M, M-1 and OM-1 zones allow building heights over 45 feet. These zones permit a height of four stories, not to exceed 60 feet. Amendments to the building height provisions of these zoning districts are proposed to restrict building heights to 45 feet unless the project is a Community Benefit project. For the purposes of the AUD Program a Community Benefit housing project would include, Affordable units, rental units, employer sponsored housing, limited equity housing cooperatives, and transitional or special needs housing.

In addition, projects developing under the AUD Program, but not a Community Benefit housing project (e.g., market rate condominiums) would be permitted four stories, not to exceed 45 feet in height. These projects would likely be developed in the R-3 and R-4 zone, which currently restricts buildings to three stories and 45 feet in height.

Building Height Findings

In addition to findings required of the project application, possible criteria to be used by the Planning Commission in approving AUD projects that exceed 45 feet in height include:

- ***Demonstrated Need:*** The applicant has demonstrated a need for the project to exceed 45 feet in building height that is related to the project's benefit to the community, site constraints, or desired architectural qualities, as opposed to a purely financial justification.
- ***Architecture and Design:*** The project exhibits exemplary design and incorporates characteristics distinctive to the City of Santa Barbara.
- ***Sensitivity to Context:*** The project recognizes and complements the setting and character of the neighboring properties with superior sensitivity to adjacent federal, state, and City landmarks and other nearby designated historic resources, including City structures of merit, sites, or natural features.

IV. PERFORMANCE MEASURES

Possible criterion to measure how successful the AUD Program has been during the trial period and also to gauge the program's long-term viability could include the following:

- Number of AUD units constructed
- Types of units constructed, especially priority housing units
- Location of constructed units
- Location of Employment (Downtown, South Coast Region, Other)
- Price point of rental and affordable ownership units. Are these units priced lower than those developed at base or Medium-High densities?
- Turnover of units/Vacancy rate

V. OTHER ZONING ORDINANCE AMENDMENTS

As part of the AUD Program Ordinance Amendment package, Staff is proposing to amend applicable zoning districts to ensure consistency with the AUD Program ordinance. In

addition, minor changes to the municipal code are proposed in order to provide additional clarification and/or promote uniformity within the code. These amendments include:

Building Heights: Zoning Ordinance sections §28.66.050, §28.69.050, §28.72.050, and §28.73.050 are proposed to be amended to restrict building height to 45 feet unless the building is a Community Benefit project.

Open Yard Encroachment: Amend section §28.87.062.C in the General Provisions section of the Zoning Ordinance to clarify open yard encroachment requirements in the Single-Family, Two-Family (R-2), and Multi-Family (R-3/R-4) residential zones.

Uncovered Balconies: Amend §28.21.081.A.g to remove item number 1 stating, "*Uncovered balconies may encroach up to two (2) feet into any setback*". This provision is not appropriate for this section of the code and has made its application problematic. A similar provision is currently found in the General Provisions section of the Zoning Ordinance where its application is more appropriate.

Open Space: Amend sections §28.21.081.A.2.b (10) and §28.21.081.B.5.c. to include language consistent with §28.21.081.A.1.f. as follows, "*...or other cantilevered architectural or building projections not providing additional floor area...*".

Common Open Area: Amend §28.21.081.A.3 to clarify that the common open area requirement applies to lots developed with four or more dwelling units. Also, amend §28.21.081.A.3 and §28.21.081.B.4 to clarify that front setback (not the front yard) shall be excluded from the common open area.

VI. ENVIRONMENTAL REVIEW

The Final Program Environmental Impact Report (FEIR) for the *Plan Santa Barbara* General Plan Update was certified by the Planning Commission September 2010 and by the City Council December 2011. The FEIR evaluated citywide effects on the environment from growth to the year 2030 under the proposed General Plan policies (up to 1.35 million feet of net additional non-residential and up to 2,800 additional housing units).

California Environmental Quality Act (CEQA) Statutes Section 21083.3 and CEQA Guidelines Section 15183 provide that projects which are consistent with the development density established by General Plan policies for which an EIR was certified, and rezoning consistent with the plan, shall not require additional environmental review except under specified instances.

The Average Unit-Size Density Incentive Program is within the scope of review for the General Plan Update and FEIR. The City Environmental Analyst has determined that the proposed implementing ordinance amendments for the Average Unit-Size Density Incentive Program policies do not trigger the additional environmental review requirements, for the following reasons: There are no additional site-specific or project-specific significant effects which are peculiar to the proposed zoning amendments; there is no new significant effects not addressed in the prior FEIR; and there is no new information since the FEIR that would involve more significant impacts than identified in the FEIR. Therefore, no further environmental review is required.

NEXT STEPS

- a. Planning Commission Review/Recommendation (April 11, 2013)
- b. Council Ordinance Committee Review (May/June 2013)
- c. Council Introduction and Adoption (June/July 2013)

Exhibits:

- A. Average Unit-Size Density Incentive Program Map
- B. Employer Sponsored Housing Forum Discussion Summary and Forum Flyer
- C. Draft AUD Program Ordinance
- D. AUD Program Density Table

EMPLOYER SPONSORED HOUSING FORUM

DISCUSSION SUMMARY

An Employer Sponsored Housing Forum was held on September 12, 2012 and included a panel discussion with community members experienced and actively producing workforce housing. The discussion focused on identifying what is needed to achieve a viable and successful program, as well as challenges that a participating employer might face.

Program Benefits

The panel was asked to identify what aspects of an Employer Sponsored Housing Program would persuade or motivate local businesses to participate. Recruitment and retention, economic investment, and program simplicity were identified as key reasons to take part in the program. It was also acknowledged that implementing an Employer Sponsored Housing Program would offer simultaneous benefits for employers, employees and the community.

The shortage of affordable housing continues to make it difficult for local businesses to recruit and retain quality employees. High employee turnover and the inability to recruit the most qualified person due to high housing prices can in the long-term be costly to an employer. It is estimated that it costs approximately \$70,000 to train a new employee; therefore an employer should view the program as an economic investment, because creating housing for their workforce will ultimately result in a cost benefit to their business.

Benefits to employees include the ability to purchase affordable housing where they live, reduce commute time and cost, and increase time spent in the community and with their family resulting in greater productivity and loyalty.

Program Challenges

Land and development cost, financing capital, and lack of experience and expertise were identified as potential barriers that might prevent an employer from participating in this program. Employers, especially smaller businesses are not accustomed to the role of developer and/or lender. For some employers taking on this role may be too complex and prolonged. Thus, the lack of expertise in real estate development and inexperience in the City's permitting process could discourage participation in the program.

Land cost also poses a major factor and barrier to the development of workforce housing. Only a few local employers (e.g., UCSB Westmont College, Cottage Hospital) have been successful in producing employee housing, and all have owned the land. These employers tend to be larger, own the land, and have the financial capital needed to develop employee housing. Additionally, lack of expertise in real estate development and inexperience in permit processing can discourage an employer from providing housing for their workforce.

Recommendations

Local employers such as Cottage Hospital, Westmont, and UCSB have successfully produced employee housing. However, as pointed out at the community forum, these are large employers with land, financial capital, and the expertise needed to produce housing for their workforce. Consequently, without such resources smaller employers would find it difficult to participate in the program. With this in mind, ideas were offered by the panel to help minimize the obstacles

that might dissuade an employer from participating in the program. The following ideas were recommended:

Program Model: Provide a model or clearinghouse approach to help employers navigate through the development process. This would save time and effort and reduce costs. The model could offer:

- Sample covenants, development agreements
- Cost/benefit analysis of recruitment and retention
- Amount of upfront capital needed
- Sample project prototypes, such as those developed by the Design Charrette conducted by the AIA during the General Plan Update process

Land Inventory: Conduct an inventory of available public land suitable for workforce housing.

Private Landowners: Identify private landowners with excess land (e.g., churches) who would donate their land. These entities are often interested in producing affordable housing, but do not have the expertise or experience.

Small Property Owners: Allow small property owners to participate in the program as partners.

AUD Program: Implement the AUD Program to allow increased densities and flexibility in development standards, such as parking, which would help reduce development costs.

City Review: Expedite review of employer sponsored housing projects to help reduce development cost.

Partnerships: Enlist large employers and/or developers (consortium approach) to serve as partners making it easier for smaller employers to participate in the Program.

Environmental Review: Use the General Plan Update Environmental Impact Report (EIR) to shorten and simplify the review process for employer sponsored housing projects.

COMMUNITY FORUM ON EMPLOYER SPONSORED HOUSING

How can the City help Employers (big and small) develop housing for their workers?

The City's new Employer Sponsored Housing Program offers higher densities and more flexible development standards as incentives for employers, either individually or as a consortium to help build below market rate housing to their employees.

Please join us and learn more about how this program can work for your business!

FORUM PANEL INCLUDES:

- **Steve Amerikaner**, Brownstein Hyatt Farber Schreck (Moderator)
- **Ron Biscaro**, Cottage Health Systems
- **Detlev Peikert**, Peikert Group Architects
- **Rochelle Rose**, Peoples' Self-Help Housing
- **David Rowell**, City of Santa Barbara
- **Ed Soto**, Bank of America
- **Craig Zimmerman**, The Towbes Group, Inc.

DATE: Wednesday, September 12

TIME: 7:30 – 9:30 a.m.

LOCATION: 630 Garden Street (David Gebhard Public Meeting Room)

Everyone welcome! A light breakfast will be provided.

Please RSVP your attendance to Irma Unzueta, Project Planner at
iunzueta@SantaBarbaraCA.gov.



Forum Panel Bios

Steven A. Amerikaner, partner with Brownstein Hyatt Farber Schreck, LLP, counsels developers, public agencies, businesses and homeowners on land development issues such as securing land use permits (including coastal permits and major general plan and zoning amendments). He is also General Counsel to a regional water agency and a local sanitary district and served as Santa Barbara City Attorney from 1982-1990. He is active in a number of community organizations, including the Board of Directors of the Santa Barbara Region Chamber of Commerce and the Coastal Housing Coalition.

**Brownstein | Hyatt
Farber | Schreck**

Ron Biscaro, Vice President for Housing and Real Estate Development at Cottage Health Systems since 2003. He has overseen the development of Bella Riviera, a workforce housing project for Cottage Hospital employees. Mr. Biscaro has collaborated with architects, planners, City officials, and a Housing Task Force of the Cottage Board in developing the housing project. From 1986 and 2003, Mr. Biscaro served as Administrator at the St. Francis Medical. He received a Bachelor of Science degree in Biology from McGill University and a Master's in Health Administration from the University of Ottawa. He is a diplomat of the American College of Health Care Executives.



Detlev Peikert, AIA is principal and founder of Peikert Group Architects, LLP. He has worked in the field of architecture for more than 30 years, and has extensive experience with a wide variety of building types. He is knowledgeable in all aspects of architectural practice including design, project management and real estate development. In 1994, he founded the Sustainability Project, a nonprofit organization dedicated to implementing the principles of sustainability as applied to the built environment, and is actively engaged with a number of community organizations including the board of the Coastal Housing Coalition, an organization dedicated to advocating for workforce housing.



Rochelle Rose, CFRE is Development Director for Peoples' Self-Help Housing, a nonprofit community development organization that develops affordable housing for low income families, seniors, and other special needs groups in the tri-counties. Peoples' has developed and manages 1,350 affordable apartments and has helped over 1,100 low income households build and own their first home through their 'sweat equity' model. A UCSB graduate, she has led successful fundraising efforts at many nonprofits and has served on the boards of Girls inc., Association of Fundraising Executives and others. In 2007 she was awarded the AFP Professional Fundraiser of the Year for Santa Barbara and Ventura Counties. She currently serves on the boards of the Center for Successful Aging and the Coastal Housing Coalition.



David Rowell is a Housing Programs Specialist at the City of Santa Barbara. Previously he was President of Sage Point Real Estate Valuations and managed the design, customer contact, business transactions and quality control of their national service. Mr. Rowell was employed for over 18 years in the real estate finance industry at Fannie Mae. He has served as Director of the Western Regional Office and managed account teams in transacting billions of dollars of mortgage business. Prior to that, he was Senior Negotiator, Account Executive, Senior Underwriter and REO Manager. Mr. Rowell holds a BS from UCSB, an MS from the University of Oregon, and a Professional Designation in Real Estate from UCLA.



Ed Soto is a Sr. Mortgage Loan Officer with Bank of America. He has been in the mortgage lending industry for 22 years. He is a graduate of Westmont College and majored in Economics/Business. He has achieved one of the highest recognitions for his position with Bank of America as a Sr. Mortgage Loan Officer, earning the prestigious "Platinum Club" award several times. Ed is active with the Old Spanish Days Fiesta Parade and other events sponsored by Bank of America that give back to our community.



Craig Zimmerman is the President of The Towbes Group, Inc., a full service real estate company based in Santa Barbara that develops and manages both residential and commercial real estate. The Towbes Group manages more than 2,100 apartment units in Santa Barbara and Ventura County including several affordable, senior, Section 8 and workforce housing communities. He also serves as a Director on the Board of Montecito Bank & Trust. Mr. Zimmerman is active in the non-profit community serving on the boards of The Scholarship Foundation of Santa Barbara, Surf Development (County Housing Authority), Santa Barbara Middle School, UCSB Economic Forecast Project and The Towbes Foundation.



PLANNING COMMISSION DISCUSSION DRAFT 4/11/13
SHOWING CHANGES FROM THE EXISTING CODE

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SANTA BARBARA ADDING CHAPTER 28.20 TO THE SANTA BARBARA MUNICIPAL CODE TO IMPLEMENT THE CITY'S 2011 GENERAL PLAN AVERAGE UNIT-SIZE DENSITY INCENTIVE PROGRAM; AMENDING SECTIONS 28.66.050, 28.69.050, 28.72.050, AND 28.73.050 CONCERNING BUILDING HEIGHT STANDARDS FOR COMMUNITY BENEFIT PROJECTS IN THE C-2, C-M, M-1; AND OM-1 ZONES; AMENDING SECTION 28.87.062 CONCERNING ENCROACHMENTS IN OPEN YARD.

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

SECTION 1. Title 28 of the Santa Barbara Municipal Code is amended by adding Chapter 28.20 to read as follows:

Chapter 28.20
Average Unit-Size Density Incentive Program.

Section 28.20.010 **Purpose.**

The Average Unit-Size Density Incentive Program is intended to encourage the development of new, more-affordable residential units by allowing increased residential densities and reduced open space and parking requirements in selected locations in exchange for the developments that achieve specified unit-size targets.

Section 28.20.020 Definitions.

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

A. Affordable Housing. Affordable housing shall mean residential units that are sold or rented at values defined as affordable by the City of Santa Barbara Affordable Housing Policies and Procedures, as such policies and procedures may be amended from time to time.

B. Average Unit Size. Average unit size is calculated by adding the net floor area of each of the residential units in the project and dividing that sum by the number of residential units in the project.

C. Community Benefit Housing. Community Benefit Housing is residential development that has a public benefit, including the following housing types:

1. Priority Housing

a. Rental housing;

b. Employer sponsored housing;

c. Limited equity co-operative housing;

2. Housing affordable to low, moderate, or middle income households; or
3. Transitional housing, affordable efficiency dwelling units (as described in Section 28.87.150 of this Code), and supportive housing supporting special needs populations including seniors, physically or mentally disabled, homeless, and children aging out of foster care.

D. Employer Sponsored Housing. Employer sponsored housing is the development and maintenance of residential units by an employer where the residential units are dedicated to households that include at least one person who works on the south coast region of Santa Barbara County (from the city of Carpinteria to, and including the city of Goleta). In order to qualify for the density incentives allowed under the Average Unit-Size Density Incentive Program, the owner of an employer sponsored housing project must record a written instrument against the real property, in a form acceptable to the City Attorney, by which the owner agrees to limit the occupancy of the residential units to households that include at least one person who works on the south coast region of Santa Barbara County for as long as the property is developed and maintained at the incentive densities. Although specific affordability standards not required of an

employer sponsored housing program, employer sponsored housing programs are intended to provide housing opportunities to a range of income levels that are not available in the open market.

E. Net Floor Area. For purposes of the Average Unit-Size Density Program, net floor area is defined as the area in square feet of all floors confined within the exterior walls of a residential unit, but not including the area of the following: exterior walls, vent shafts, courts, garages, carports, common areas not assigned to an individual residential unit, and any areas with a ceiling height of less than five (5) feet above the finished floor.

The area occupied by stairs or an elevator shaft within the exterior walls of a residential unit shall be counted only on one floor of the residential unit.

F. Limited-Equity Housing Cooperative. A Limited-Equity Housing Cooperative is a corporation organized on a cooperative basis that meets the requirements of state Civil Code § 817 and which restricts the resale price of cooperative shares to maintain a specified level of affordability to new shareholders. In order to qualify for the density incentives provided under the Average Unit-Size Density Program, a limited-equity housing

cooperative must be affordable to households earning from 120% to 250% of the Area Median Income, as affordability is defined in the City's Affordable Housing Policies and Procedures.

G. Priority Housing. Priority Housing includes the following categories of housing units: employer sponsored housing, limited-equity housing cooperatives, and rental housing.

H. Rental Housing. Rental housing is the development and maintenance of multiple dwelling units on the same lot for occupancy by separate households under rental agreements with a common owner. 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 instrument against the real property, 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.

I. Supportive Housing. Supportive housing is a type of housing, with no limit on length of stay, that is occupied by a target population, and that is linked to onsite or offsite services that assist the supportive housing resident in retaining the housing, improving his or her health status, and

maximizing his or her ability to live and, when possible, work in the community as defined in state Health and Safety Code Section 50675.14(b)(2).

J. Transitional Housing. Transitional Housing is a type of supportive housing that is used to facilitate the movement of homeless individuals and families into permanent housing and that is re-circulated to other eligible program participants as specified in state Health and Safety Code Section 50675.2(h).

Section 28.20.030 Permitted Zones.

The Average Unit-Size Density Incentive Program is available in the following zones: R-3, R-4, HRC-2, R-O, C-P, C-L, C-1, C-2, C-M, and OC Zones, as shown on the City of Santa Barbara Average Unit-Size Density Incentive Program Map contained in the Land Use Element of the City's General Plan. 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 preclude the application of the Average Unit-Size Density Incentive Program to a project on the lot if the Average Unit-Size Density Incentive Program is otherwise allowed in the base zoning of the lot. 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 28.20.

Section 28.20.040 Program Duration.

The Average Unit-Size Density Incentive Program shall have an initial duration of eight years from the adoption of this ordinance or until 250 new residential units under this program are constructed within the areas 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 contained in the Land Use Element of the City's General Plan, whichever occurs sooner. Housing projects that are affordable to low- and very low- income households, as defined in the City's Affordable Housing Policies and Procedures, do not count against the 250 unit limit.

Section 28.20.050 Status of R-3 and R-4 Residential Density.

Notwithstanding the provisions of Section 28.21.080 of this Code, for the duration of the Average Unit-Size Density Incentive Program, the following rules apply regarding the

residential density of projects in zones that apply the R-3 residential density:

A. Average Unit-Size Density Incentive Program. Projects developed in accordance with the provisions of the Average Unit-Size Density Incentive Program are exempt from the residential density provisions specified in Subsections B through E of Section 28.21.080 of this Code.

B. Base Density Projects. Projects that do not comply with the provisions of the Average Unit-Size Density Incentive Program must comply with Subsections B through E of Section 28.21.080, as applicable.

C. Variable Density. The variable density provisions specified in Subsection F of Section 28.21.080 of this Code are suspended for the duration of the Average Unit-Size Density Incentive Program. Projects developed or approved in accordance with the terms of variable density prior to [the effective date of this ordinance] remain legal conforming land uses. During the suspension of Subsection F of Section 28.21.080, alterations and additions may be made to variable density projects as long as the alterations or additions do not add new residential units or add bedrooms to existing residential units.

Section 28.20.055 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 in Section 28.87.400 of this Code.

Section 28.20.060 Density Incentives.

The Average Unit-Size Density Incentive Program offers density incentives as alternatives to the base densities specified for the particular zones in which the program is available. The Average Unit-Size Density Incentive Program consists of three density tiers that apply based upon the general plan land use designation for the lot and the nature of the development.

A. Medium High Density. The medium high density tier applies to lots with a 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 dwelling units per acre. The maximum average unit-size within the medium high density tier varies from 1,450 square feet of floor area to 805 square feet of floor area, depending upon the number of units per acre that are developed, as

specified in the Average Unit-Size Density Incentive Program

Table adopted by City Resolution No. dated [the effective
date of this ordinance].

B. High Density. The high density tier applies to lots with a
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 dwelling 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
that are developed, as specified in the Average Unit-Size
Density Incentive Program Table adopted by City Resolution No.
 dated [the effective date of this ordinance].

C. Priority Housing Overlay. The priority housing overlay
applies to lots with a general plan land use designation of high
density residential and lots zoned C-M (regardless of the
general plan land use designation) as shown on the City of Santa
Barbara Average Unit-Size Density Incentive Program Map. The
priority housing overlay allows the development of projects at
residential densities ranging from 37 to 63 dwelling 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

that are developed, as specified in the Average Unit-Size Density Incentive Program Table adopted by City Resolution No. _____ dated [the effective date of this ordinance]. The priority housing overlay is only available for rental housing, employer sponsored housing, or limited-equity cooperative housing.

D. Unit Sizes. The unit sizes expressed in the Average Unit-Size Density Incentive Program Table are the maximum average 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 general plan land use designation. However, the average unit size of any project that is developed at a residential density that 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 adopted by City Resolution No. _____ dated [the effective date of this ordinance].

Section 28.20.070 Development Incentives.

In order to further encourage the development of projects in accordance with the provisions of the Average Unit-Size Density Incentive Program, the development standards listed in this Section 28.20.070 are modified for 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 comply with the development standards applicable to the zone in which the lot is located.

A. Building Height. Projects developed and maintained in accordance with the Average Unit-Size Density Incentive Program shall conform to the building height standards specified within the zone in which the lot is located, except that Average Unit-Size Density Incentive Program projects in the R-3, R-4, HRC-2, R-O, C-P, C-L, C-1, S-D-2, and OC Zones may be four stories as long as they do not exceed 45 feet in building height.

B. Setbacks. Lots developed in accordance with the Average Unit-Size Density Incentive Program shall observe the following setback standards:

1. C-2 and C-M Zones. Lots developed in accordance with the

Average Unit-size Density Incentive Program in the C-2 and C-M

Zones shall observe the following setbacks:

a. Front Setback.

i. State Street and First Blocks of Cross Streets.

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 observe the following front setback standard: All buildings, structures and parking: No setback required.

ii. All other lots. Lots that do not front the streets specified in Section 28.20.070.B.1.a.i shall observe the following front setback standard: A front setback of five (5) feet shall be provided. A portion of a structure may be located within the required front setback provided the footprint area of the portion of the structure that intrudes into the required front setback is compensated by an equal or greater area that is not covered by any building or structure outside of and adjacent to the same front setback and the setback line. The compensating area shall not be located farther from the adjacent front lot line than one half of the length of the front lot line.

iii. Lots Developed Exclusively with Residential Uses.

Any lot developed exclusively with residential buildings or structures shall provide the R-3/R-4 setback distance as required by Section 28.20.070.B.2. of this chapter.

b. Interior Setback. No setback required.

c. Rear Setback. No setback required.

2. R-3 and R-4 Zones. Lots developed in accordance with the Average Unit-size Density Incentive Program in the R-3 and R-4 Zones shall observe the following setbacks:

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:

i. One or two story building or structure: 10 feet

ii. Three or more story building or structure:

(1) Ground floor portions: 10 feet

(2) Second story structure 10 feet

(3) Third or more story portions: 20 feet

(4) Parking: As required by Sections

28.21.060.A.3. & 28.21.060.A.4. of this code.

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:

i. One or two story building or structure: 6 feet

ii. Three or more story building or structure:

(1) Ground floor portions: 6 feet

(2) Second story portions: 6 feet

(3) Third or more story portions: 10 feet

(4) Garages, carport or uncovered parking: As required by Section 28.21.060.B.3. of this code.

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 as follows:

i. Ground floor portions: 6 feet

ii. Second story portions: 10 feet

iii. Third or higher story portions: 10 feet

iv. Garage, carport, or uncovered parking: 3 feet

3. All Other Zones. Lots developed in accordance with the Average Unit-Size Density Incentive Program in the HRC-2, R-O, C-P, C-L, C-1 and OC Zones shall observe the following setback standards:

a. Mixed Use Projects. Lots developed with mixed use projects shall provide setbacks of the distances required by the

zone in which the lot is located.

b. Lots Developed Exclusively with Residential Uses.

Lots developed exclusively with residential buildings or structures shall provide the R-3/R-4 setback distance as required by Section 28.20.070.B.2. of this chapter.

C. Distance Between Buildings on the Same Lot.

None, except all main buildings or portions thereof used exclusively for dwelling purposes shall not be closer than ten feet (10') to any other main building on the same lot.

D. Parking.

As an alternative to the residential parking requirements specified in Subsections G and H of Section 28.90.100 of this Code, projects developed under the Average Unit-Size Density Incentive Program may observe the following residential parking requirements:

1. Residential Units. A minimum of one covered or uncovered parking space shall be provided for each residential unit.

2. Guest Parking. Guest parking is not required.

3. Other Parking Standards. Other than the residential parking requirements specified in Subsections G and H of Section 28.90.100, projects developed under the Average Unit-Size Density Incentive Program shall observe the parking standards specified in Chapter 28.90 of this Code.

E. Outdoor Living Space.

Projects developed in accordance with the Average Unit-Size Density Incentive Program shall provide outdoor living space in accordance with the provisions of the R-3/R-4 Zone as stated in Section 28.21.081 of this Code with the following exceptions:

1. Mixed use projects electing to provide outdoor living space pursuant to the Private Outdoor Living Space Method specified in Subsection A of Section 28.21.081 are required to provide the Private Outdoor Living Space as specified in Section 28.21.081.A.1 and the Common Open Area Section 28.21.081.A.3. Mixed use projects developed under the Average Unit-Size Density Incentive Program that elect to provide outdoor living space pursuant to the Private Outdoor Living Space Method may, but are not required to, provide the Open Space specified in Section 28.21.081.A.2.

2. Mixed use projects electing to provide outdoor living space pursuant to the Common Outdoor Living Space Method specified in Subsection B of Section 28.21.081 shall provide common outdoor living space in accordance with that Subsection B; however, if the lot is located within one quarter (1/4) mile of a park, the project may reduce the fifteen percent (15%) common outdoor living space requirement to ten percent (10%) of the net lot area. In addition, for projects developed in

accordance with the Average Unit-Size Density Incentive Program,
the required common outdoor living space may be located at grade
or on any floor of the building(s), amending Section
28.21.081.B.4

SECTION 2. Section 28.21.081 of Chapter 28.21 of Title 28 of the Santa Barbara Municipal Code is amended to read as follows:

Section 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

PLANNING COMMISSION DISCUSSION DRAFT 4/11/13
SHOWING CHANGES FROM THE EXISTING CODE

- (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.

PLANNING COMMISSION DISCUSSION DRAFT 4/11/13
SHOWING CHANGES FROM THE EXISTING CODE

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~~ (1) 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.~~ (2) 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)~~ (a) 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)~~ (b) 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 not providing additional floor area where the vertical clearance under the structure or architectural or building projection is less than seven feet.

3. Common Open Area. The common open area requirement specified in this Paragraph 3 shall only apply to lots developed with four (4) or more dwelling units. 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~~On grade common open area may include portions of the interior setback or rear setback. On grade common open area may include portions of any remaining front yard, but shall not include any portion of the front 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~~ On grade common outdoor living space may be located in an interior setback 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~~ On grade common outdoor living space may be located in the remaining front yard, but shall not include any portion of the front setback.

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 not providing additional floor area where the~~

vertical clearance under the structure or architectural or building projection is less than seven feet.

SECTION 3. Section 28.21.120 of Chapter 28.21 of Title 28 of the Santa Barbara Municipal Code is amended to read as follows:

Section 28.21.120 Public Street Requirements.

1A. When any person proposes to construct one (1) or more multiple-family dwellings, wherein the number of dwelling units is controlled by Section ~~28.20.060~~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 Building Official~~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~~ Building Official where:

a₁. The lot or combination of lots which is the site of the proposed construction exceeds five (5) acres; or

b₂. The maximum possible number of dwelling units which could be constructed on such lot or combination of lots, pursuant to Section ~~28.21.080~~ 428.20.060 -exceeds one hundred (100); or

c₃. 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.

PLANNING COMMISSION DISCUSSION DRAFT 4/11/13
SHOWING CHANGES FROM THE EXISTING CODE

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.

2B. When the plot plan required by the Chief ~~of Building and Zoning Building Official~~ is filed, the building official shall forthwith submit the same to the ~~Division of Land Use Controls~~Community Development Department 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.

3C. The owner or applicant may appeal any decision of the Planning Commission to the City Council in the manner provided by Chapter ~~28.921.30~~21.30 of this ~~ordinance~~Code.

4D. 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:

a1. By formal instrument offer to dedicate said proposed roadway as a public street; and

b2. 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.

5E. 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.

SECTION 4. Sections 28.66.050, 28.69.050, 28.72.050, and 28.73.050 of Title 28 of the Santa Barbara Municipal Code are amended to read as follows:

28.66.050 Building Height.

A. Maximum Building Height. No building in this zone shall exceed a height of four (4) stories nor shall any building exceed a height of sixty feet (60').

B. Community Benefit Projects. Notwithstanding the maximum building height specified in Subsection A. above, no building constructed in this zone after [the effective date of this ordinance] shall exceed a height of forty five feet (45') unless the project qualifies as a Community Benefit Project or a Community Benefit Housing Project and the Planning Commission approves all of the following findings with an affirmative vote of five (5) or more members:

1. Demonstrated Need. The applicant has demonstrated a need for the project to exceed 45 feet in building height that is related to the project's benefit to the community, site constraints, or desired architectural qualities, as opposed to a purely financial justification.

2. Architecture and Design. The project exhibits exemplary

design that utilizes characteristics distinctive to the City of Santa Barbara.

3. Sensitivity to Context. The project design recognizes and complements the setting and character of the neighboring properties with superior sensitivity to adjacent federal, state, and City landmarks and other nearby designated historic resources, including City structures of merit, sites, or natural features.

C. Buildings Adjacent to Residential Zones. Building height immediately adjacent to a residential zone(s) shall not exceed that allowed in the most restrictive adjacent residential zone for that part of the structure constructed within a distance of thirty (30) feet or one-half (1/2) the height of the proposed structure, whichever is less. A project that qualifies as a Community Benefit Project or a Community Benefit Housing Project is exempt from the limitation specified in this Subsection C if the Planning Commission has made the findings specified in Subsection B by an affirmative vote of five (5) or more members.

D. Theater Additions. Notwithstanding the provisions of Section 28.04.140, a stage addition to a live performance theater shall not be considered as part of the height of the building provided the following conditions are satisfied: (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.

E. Timing and Procedure for Projects Requiring the Planning Commission Building Height Findings.

1. Conceptual Design Review. Prior to the Planning Commission considering an application for a Community Benefit Project or a Community Benefit Housing Project seeking to exceed a building height of 45 feet, the project shall receive conceptual design review by the Historic Landmarks Commission or the Architectural Board of Review.

2. Planning Commission Consideration of Findings.

a. Design Review Projects. If the project only requires design review by the ABR or HLC, the Planning Commission shall review and consider the building height findings after conceptual design review and before consideration of the project for project design approval by the ABR or HLC.

b. Staff Hearing Officer Projects. If the project requires the review and approval of a land use permit by the Staff Hearing Officer, the Planning Commission shall review and consider the building height findings after conceptual design review, but before the preparation of a full application for the consideration of the land use permit by the Staff Hearing

Officer.

c. Planning Commission Projects. If the project requires the review and approval of land use permit by the Planning Commission, the Planning Commission shall review and consider the building height findings after conceptual design review, but before the preparation of a full application for review by the Development Application Review Team (DART) and the consideration of the land use permit by the Planning Commission.

d. Planning Commission Determination is Final. The Planning Commission's decision regarding the building height findings is not appealable to the City Council.

28.69.050 Building Height.

A. Maximum Building Height. Four (4) stories and not to exceed sixty feet (60').

B. Community Benefit Projects. Notwithstanding the maximum building height specified in Subsection A. above, no building constructed in this zone after [the effective date of this ordinance] shall exceed a height of forty five feet (45') unless the project qualifies as a Community Benefit Project or a Community Benefit Housing Project and the Planning Commission approves all of the following findings with an affirmative vote

of five (5) or more members:

1. Demonstrated Need. The applicant has demonstrated a need for the project to exceed 45 feet in building height that is related to the project's benefit to the community, site constraints, or desired architectural qualities, as opposed to a purely financial justification.

2. Architecture and Design. The project exhibits exemplary design that utilizes characteristics distinctive to the City of Santa Barbara.

3. Sensitivity to Context. The project design recognizes and complements the setting and character of the neighboring properties with superior sensitivity to adjacent federal, state, and City landmarks and other nearby designated historic resources, including City structures of merit, sites, or natural features.

C. Buildings Adjacent to Residential Zones. Building height immediately adjacent to a residential zone(s) shall not exceed that allowed in the most restrictive adjacent residential zone for that part of the structure constructed within a distance of thirty (30) feet or one-half (1/2) the height of the proposed structure, whichever is less. A project that qualifies as a Community Benefit Project or a Community Benefit Housing Project is exempt from the limitation specified in this Subsection C if

the Planning Commission has made the findings specified in Subsection B by an affirmative vote of five (5) or more members.

D. Timing and Procedure for Projects Requiring the Planning Commission Building Height Findings.

1. Conceptual Design Review. Prior to the Planning Commission considering an application for a Community Benefit Project or a Community Benefit Housing Project seeking to exceed a building height of 45 feet, the project shall receive conceptual design review by the Historic Landmarks Commission or the Architectural Board of Review.

2. Planning Commission Consideration of Findings.

a. Design Review Projects. If the project only requires design review by the ABR or HLC, the Planning Commission shall review and consider the building height findings after conceptual design review and before consideration of the project for project design approval by the ABR or HLC.

b. Staff Hearing Officer Projects. If the project requires the review and approval of a land use permit by the Staff Hearing Officer, the Planning Commission shall review and consider the building height findings after conceptual design review, but before the preparation of a full application for the consideration of the land use permit by the Staff Hearing Officer.

c. Planning Commission Projects. If the project requires the review and approval of land use permit by the Planning Commission, the Planning Commission shall review and consider the building height findings after conceptual design review, but before the preparation of a full application for review by the Development Application Review Team (DART) and the consideration of the land use permit by the Planning Commission.

d. Planning Commission Determination is Final. The Planning Commission's decision regarding the building height findings is not appealable to the City Council.

28.72.050 Building Height.

A. Maximum Building Height. Four (4) stories and not to exceed sixty feet (60').

B. Community Benefit Projects. Notwithstanding the maximum building height specified in Subsection A. above, no building constructed in this zone after [the effective date of this ordinance] shall exceed a height of forty five feet (45') unless the project qualifies as a Community Benefit Project or a Community Benefit Housing Project and the Planning Commission approves all of the following findings with an affirmative vote

of five (5) or more members:

1. Demonstrated Need. The applicant has demonstrated a need for the project to exceed 45 feet in building height that is related to the project's benefit to the community, site constraints, or desired architectural qualities, as opposed to a purely financial justification.

2. Architecture and Design. The project exhibits exemplary design that utilizes characteristics distinctive to the City of Santa Barbara.

3. Sensitivity to Context. The project design recognizes and complements the setting and character of the neighboring properties with superior sensitivity to adjacent federal, state, and City landmarks and other nearby designated historic resources, including City structures of merit, sites, or natural features.

C. Buildings Adjacent to Residential Zones. Building height immediately adjacent to a residential zone(s) shall not exceed that allowed in the most restrictive adjacent residential zone for that part of the structure constructed within a distance of thirty (30) feet or one-half (1/2) the height of the proposed structure, whichever is less. A project that qualifies as a Community Benefit Project or a Community Benefit Housing Project is exempt from the limitation specified in this Subsection C if

the Planning Commission has made the findings specified in Subsection B by an affirmative vote of five (5) or more members.

D. Timing and Procedure for Projects Requiring the Planning Commission Building Height Findings.

1. Conceptual Design Review. Prior to the Planning Commission considering an application for a Community Benefit Project or a Community Benefit Housing Project seeking to exceed a building height of 45 feet, the project shall receive conceptual design review by the Historic Landmarks Commission or the Architectural Board of Review.

2. Planning Commission Consideration of Findings.

a. Design Review Projects. If the project only requires design review by the ABR or HLC, the Planning Commission shall review and consider the building height findings after conceptual design review and before consideration of the project for project design approval by the ABR or HLC.

b. Staff Hearing Officer Projects. If the project requires the review and approval of a land use permit by the Staff Hearing Officer, the Planning Commission shall review and consider the building height findings after conceptual design review, but before the preparation of a full application for the consideration of the land use permit by the Staff Hearing Officer.

c. Planning Commission Projects. If the project requires the review and approval of land use permit by the Planning Commission, the Planning Commission shall review and consider the building height findings after conceptual design review, but before the preparation of a full application for review by the Development Application Review Team (DART) and the consideration of the land use permit by the Planning Commission.

d. Planning Commission Determination is Final. The Planning Commission's decision regarding the building height findings is not appealable to the City Council.

28.73.050 Building Height.

~~Building height restrictions shall be the same as those provided for the M-1 Zone, Chapter 28.72 of this Code.~~

A. Maximum Building Height. Four (4) stories and not to exceed sixty feet (60').

B. Community Benefit Projects. Notwithstanding the maximum building height specified in Subsection A. above, no building constructed in this zone after [the effective date of this ordinance] shall exceed a height of forty five feet (45') unless the project qualifies as a Community Benefit Project or a Community Benefit Housing Project and the Planning Commission

approves all of the following findings with an affirmative vote of five (5) or more members:

1. Demonstrated Need. The applicant has demonstrated a need for the project to exceed 45 feet in building height that is related to the project's benefit to the community, site constraints, or desired architectural qualities, as opposed to a purely financial justification.

2. Architecture and Design. The project exhibits exemplary design that utilizes characteristics distinctive to the City of Santa Barbara.

3. Sensitivity to Context. The project design recognizes and complements the setting and character of the neighboring properties with superior sensitivity to adjacent federal, state, and City landmarks and other nearby designated historic resources, including City structures of merit, sites, or natural features.

C. Buildings Adjacent to Residential Zones. Building height immediately adjacent to a residential zone(s) shall not exceed that allowed in the most restrictive adjacent residential zone for that part of the structure constructed within a distance of thirty (30) feet or one-half (1/2) the height of the proposed structure, whichever is less. A project that qualifies as a Community Benefit Project or a Community Benefit Housing Project

is exempt from the limitation specified in this Subsection C if
the Planning Commission has made the findings specified in
Subsection B by an affirmative vote of five (5) or more members.

D. Timing and Procedure for Projects Requiring the Planning
Commission Building Height Findings.

1. Conceptual Design Review. Prior to the Planning
Commission considering an application for a Community Benefit
Project or a Community Benefit Housing Project seeking to exceed
a building height of 45 feet, the project shall receive
conceptual design review by the Historic Landmarks Commission or
the Architectural Board of Review.

2. Planning Commission Consideration of Findings.

a. Design Review Projects. If the project only requires
design review by the ABR or HLC, the Planning Commission shall
review and consider the building height findings after
conceptual design review and before consideration of the project
for project design approval by the ABR or HLC.

b. Staff Hearing Officer Projects. If the project
requires the review and approval of a land use permit by the
Staff Hearing Officer, the Planning Commission shall review and
consider the building height findings after conceptual design
review, but before the preparation of a full application for the
consideration of the land use permit by the Staff Hearing

Officer.

c. Planning Commission Projects. If the project requires the review and approval of land use permit by the Planning Commission, the Planning Commission shall review and consider the building height findings after conceptual design review, but before the preparation of a full application for review by the Development Application Review Team (DART) and the consideration of the land use permit by the Planning Commission.

d. Planning Commission Determination is Final. The Planning Commission's decision regarding the building height findings is not appealable to the City Council.

SECTION 5. Section 28.87.062 of Chapter 28.87 of Title 28 of the Santa Barbara Municipal Code is amended to read as follows:

28.87.062 Setback, Open Yard, Common Outdoor Living Space, and Distance Between Main Buildings Encroachments.

A. Where setbacks, open yards, common outdoor living space, and minimum distances between main buildings are required in this title, they shall be not less in depth or width than the minimum dimensions specified for any part, and they shall be at every point unobstructed by structures from the ground upward, except as follows:

PLANNING COMMISSION DISCUSSION DRAFT 4/11/13
SHOWING CHANGES FROM THE EXISTING CODE

1. Encroachments allowed in the specific zone.

2. Cantilevered architectural features at least three feet (3') above adjacent grade or finished floor (whichever is higher), and which do not provide additional floor space within the building (such as cornices, canopies, or eaves), or chimneys may encroach up to two feet (2'). However, no cantilevered architectural feature or chimney shall be located closer than three feet (3') from any property line, except roof eaves, which may be located as close as two feet (2') from any property line.

3. Uncovered balconies not providing additional floor space within the building may encroach up to two feet (2'). However, an uncovered balcony shall not encroach into an interior setback on a lot located in any single family zone.

4. Solar energy systems, as defined in subdivision (a) of Civil Code section 801.5, that are installed roughly parallel to, and protrude no higher than ten inches (10") above (measured from the top of the roof perpendicularly to the highest point of the solar energy system), a roof eave, may encroach the same amount as the roof eave.

B. The following structures may encroach into setbacks as specified:

1. Decks that are no more than 10 inches (10") in height

above existing grade may encroach into any setback.

2. Uncovered porches, terraces and outside steps, not extending above the finished floor level of the first floor, may encroach up to three feet (3') into any interior setback.

3. Covered or uncovered entrance landings not extending above the finished floor level of the ground floor and not exceeding three feet (3') measured in perpendicular dimensions (excluding the area under any handrail required under the California Building Code as adopted and amended by the City) may encroach three feet into any setback.

4. Bay windows at least three feet (3') above adjacent grade or finished floor (whichever is higher), and which do not provide additional floor space within the building may encroach up to two feet (2') into the front setback.

5. Accessible uncovered parking spaces, access aisles, and accessibility ramps necessary to make an existing building accessible to persons with disabilities may encroach into required setbacks to the extent reasonably necessary to accommodate the existing building. This encroachment is not available for new buildings or additions to existing buildings where the addition precludes the development of a conforming accessible improvement.

C. The following types of structures may encroach into the required open yard in the One-Family Residence Zone and the Two-Family Residence Zone (SBMC Section 28.15.060.C. and 28.18.060.C.1 and 3a) or common outdoor living space in the R-3/R-4 Zones (SBMC Section 28.21.081.A.3 and 28.21.081.B.), provided the total area of all such structures on the property does not occupy more than 20% of the total required open space or common outdoor living space on the lot, that no structure or structures occupy more than 20% of any individual area of required open space or common outdoor living space (if provided in multiple locations), ~~and no structure is located in any front yard:~~

1. Detached, unenclosed structures (e.g., gazebos, trellises, hot tubs, spas, play equipment, or other freestanding structures).

2. Unenclosed structures which are attached to a wall or walls of a main building (e.g., patio covers, trellises, canopies, or other similar structures).

D. The following types of structures may encroach into the required minimum distance between main buildings on the same lot. However, at no time shall any structure be located closer than five (5) feet to any other structure on the lot with the exception of: planters less than ten (10) inches in height above

finished grade, fences, walls, and roof eaves.

1. Detached accessory structures.

2. Uncovered parking.

3. Planters less than ten (10) inches in height from finished grade.

4. Paving.

5. Fences, hedges, and walls.

6. Uncovered bicycle parking areas including bicycle racks and posts, but excluding bicycle locker parking.

7. The following structures may encroach a maximum of three feet:

a. Balconies, decks, porches, and terraces that do not provide additional floor area. These improvements may be roofed or unroofed. If such improvements are provided above the first floor, they must be cantilevered, and the area below the structure shall not be enclosed.

b. Structures built to enclose trash, recycling, water heaters, or water softeners.

c. Exterior stairways, as long as the stairways are not enclosed by solid walls.

SECTION 6. Applications for development submitted prior to [the effective date of this ordinance] proposing residential units in accordance with the provisions of Subsection F of Section 28.21.080 (the Variable Density Ordinance) may be processed in accordance with the Variable Density Ordinance.

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 |
| 990 | 22 | 955 | 35 | 970 | 44 |
| 950 | 23 | 970 | 36 | 970 | 45 |
| 910 | 24 | | | 970 | 46 |
| 870 | 25 | | | 970 | 47 |
| 840 | 26 | | | 970 | 48 |
| 805 | 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 |