



City of Santa Barbara
Community Development Department

Memorandum

DATE: March 9, 2017

TO: Planning Commission

FROM: Danny Kato, Senior Planner *D.K.*
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SUBJECT: NZO – Residential Uses and Units

At the Planning Commission hearing discussion of the New Zoning Ordinance (NZO), staff offered to forward further information on certain topics. In addition, some staff responses are provided to comments and questions raised.

Residential Unit/Use Definition

Planning and City Attorney's Office staff reviewed the portions of the NZO relating to residential uses and the 30-day occupancy limit that was brought up during the public comment period on March 2, 2017, and concluded that the proposed language is appropriate, as discussed below.

The NZO proposes the following as a definition of Residential Use:

Residential Use. A structure or portion of a structure designed and used as a permanent place of human habitation by its occupants. A residential use does not include structures or portions of structures designed or used as the temporary abiding place for individuals for less than 30 consecutive days or less consecutive days, such as Hotels and Extended Stay Hotels and similar uses.

Members of the public objected to the last sentence, stating that its addition changed the way that the City views vacation rentals. Staff has reviewed the locations in the NZO where the 30-day distinction is clarified. Upon review, Staff has concluded that these additions are declaratory of existing law and are merely clarifying the City's historical interpretation of these provisions.

Additionally, a discrepancy was found between sections of the existing zoning ordinance definitions, other sections of the City's Municipal Code and also State law regarding the number of consecutive days required to be categorized as either a nonresidential use (similar to hotels) or a residential use. The existing zoning ordinance defines a nonresidential use (similar to hotels) with a stay of "less than 30 consecutive days," but State law and other sections of the City's Municipal Code define the time period as "30 consecutive days or less". In other words, rentals of 31 days or more are considered residential uses. Rentals of 30 days or less are nonresidential uses (similar to hotels), not

residential uses. Rentals of 30 days or less are allowed in all zones that allow hotels, contingent upon meeting all required standards. The discrepancy will be reconciled in all sections of NZO where it occurs.

Members of the public were concerned that the additional language would prevent the conversion of residential units to short-term vacation rentals, especially in the R-4 Zone; however, this is not the case. A short-term vacation rental is a hotel, and hotels are allowed in the R-4 Zone, with the required processing. The additional language would continue to allow residential units to be converted to hotels wherever hotels are allowed in the City.

Members of the public objected to the revision to the wording of the first purpose statement of the Condominium Conversion Ordinance (28.43.010.A), shown below in underline/strikeout format, because of a concern that it expanded the scope of the Ordinance.

- A. To establish criteria for the conversion of existing ~~multiple family rental~~ housing to condominiums, community apartments, cooperative apartments, hotels or similar uses.

This wording does not change the applicability of the ordinance, which is explained in Section 28.43.040, Permit Required; Exceptions. Additionally, the existing wording was not technically correct, in that the conversion of two-unit residential housing is also subject to the ordinance. Therefore, staff does not recommend changing the language; however, if the Planning Commission so directs, the language could be amended as follows,

- A. To establish criteria for the conversion of existing two-unit and multi-unit housing to condominiums, community apartments, cooperative apartments, hotels or similar uses.

As a result of the review, Staff proposes the following changes to the purpose statements of the residential zones, in order to maintain the intent currently contained in the Zoning Ordinance:

RS Residential Single Unit. This zone is intended to provide areas for single-unit housing on individual lots at appropriate low densities of one unit per legal lot with allowances for an Accessory Dwelling Unit when certain standards are met. Designators (e.g. -25, -15) refer to minimum lot size in thousands of square feet or, in the case of RS-1A, acres. The regulations for the RS Zone are intended to limit activities which would be inharmonious with or injurious to the preservation and character of a residential environment. Nonresidential uses are limited to those that support daily life of neighborhoods; and complement surrounding residential development. ~~and Nonresidential uses are strictly limited in order to mitigate impacts associated with nonresidential uses such as:~~ to-traffic, increased parking demand, light, glare, and noise.

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