



**City of Santa Barbara**  
Community Development Department

**Memorandum**

**DATE:** September 12, 2018

**TO:** Planning Commissioners

**FROM:** Jessica Metzger, AICP, Project Planner *JM*

**SUBJECT:** Additional Information for Review Regarding the Ordinance Amending the Average Unit-Size Density (AUD) Incentive Program - Phase 1

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The purpose of this memo is to clarify and correct the proposed AUD Program ordinance language that was presented in the staff report dated September 6, 2018. Revised language is included in Exhibit C1 (attached).

**Parking Requirement**

This section (Exhibit C1, page three) has been clarified to precisely express that the requirement for three or more bedroom residential units *does not apply* in the Central Business District (CBD) and that inside the CBD boundary *one parking space* is the requirement for residential units with three or more bedrooms. This is not a new standard and existed in the CBD for residential units in mixed-use projects prior to the adoption of the AUD Program, in 2013. Additional clarifications further state that the parking provided can be covered, uncovered, or a combination of both for all residential units developed under the AUD Program.

**Conversion to a Hotel or Similar Use**

Changes to this section (Exhibit C1, page five and six) have been made to reflect a corrected reference to the current definition of Hotel in the Zoning Ordinance.

**Additional Formatting Changes**

The revised language also includes corrections to spelling and formatting. Those corrections do not change the purpose or intent of the Zoning Ordinance.

Exhibit:

C1 Proposed *REVISED* Amendments to SBMC Title 30 Related to the AUD Incentive Program

ORDINANCE AMENDING AVERAGE UNIT-SIZE  
DENSITY INCENTIVE PROGRAM (PHASE 1)  
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Changes have been made to this exhibit since the Planning Commission staff report dated September 6, 2018. Original proposed amendments are underlined in black text; additional amendments to further clarify issues are in red, underlined or strikethrough, yellow-highlighted text.

AN ORDINANCE OF THE COUNCIL OF THE CITY OF  
SANTA BARBARA AMENDING CHAPTERS 30.150  
AND 30.155 OF TITLE 30 (INLAND ZONING  
ORDINANCE) OF THE SANTA BARBARA  
MUNICIPAL CODE TO AMEND THE RESIDENTIAL  
PARKING REQUIREMENTS FOR PROJECTS  
PROPOSED UNDER THE AVERAGE UNIT-SIZE  
DENSITY INCENTIVE PROGRAM (AUD PROGRAM)  
AND TO ADD A PROHIBITION AGAINST THE  
CONVERSION OF RESIDENTIAL UNITS DEVELOPED  
UNDER THE AUD PROGRAM TO HOTELS OR  
SIMILAR USES

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

**Section 1.** Section 30.150.090 of Chapter 30.150 of Title 30 (Inland Zoning Ordinance) of the Santa Barbara Municipal Code is amended to read as follows:

**30.150.090 Additional Development Incentives**

- A. **Development Standards Generally.** In order to further encourage the development of projects in accordance with the provisions of this Average Unit-Size Density Incentive Program, the development standards listed in this Section are allowed for those projects developed and maintained in accordance with the Average Unit-Size Density Incentive Program. Except as otherwise specified in this Section, projects developed in accordance with the provisions of the Average Unit-Size Density Incentive Program shall otherwise comply with the development standards applicable to the applicable zone in which the lot is located.
- B. **Market Rate Ownership Projects Within the Upper State Street Area (USS) Overlay Zone.** Projects developed with market rate ownership units, on lots with a City General Plan land use designation of Medium-High Density, and within the Upper State Street Area (USS) Overlay Zone, shall comply with Upper State Street Area (USS) Overlay Zone development standards as required by Chapter 30.85.

**EXHIBIT C1**

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- C. **Maximum Height.** Projects developed and maintained in accordance with the Average Unit-Size Density Incentive Program shall conform to the maximum height standards specified within the zone in which the lot is located.
- D. **Maximum Floor Area.** Average Unit-Size Density Incentive Program projects in the USS Overlay Zone are not subject to the USS Overlay Zone Maximum Floor Area limitations of Chapter 30.85, except, that projects developed with market-rate ownership units on lots with a City General Plan land use designation of Medium-High Density and located within the USS Overlay Zone shall comply with USS Overlay Zone Maximum Floor Area limitations of Chapter 30.85.
- E. **Setbacks.** Projects developed and maintained in accordance with the Average Unit-Size Density Incentive Program shall observe the following setback standards:
  - 1. ***O-R, C-R, C-G, and M-C Zones and the USS Overlay Zone.*** Projects developed in accordance with the Average Unit-Size Density Incentive Program in the O-R, C-R, C-G, and M-C Zones and the USS Overlay Zone shall observe the following setback standards:
    - a. *Front Setback.*
      - i. State Street and First Blocks of Cross Streets. Projects on lots fronting State Street between Montecito Street and Sola Street, and lots fronting the first block east or west of State Street on streets that cross State Street between and including Montecito Street and Sola Street, shall not be required to provide a front setback.
      - ii. Nonresidentially-Zoned Lots Subject to the USS Overlay Zone. Projects developed on nonresidentially-zoned lots within the USS Overlay Zone shall observe a front setback of ten feet; provided, however, that projects on nonresidentially zoned lots in the Medium-High Density designation and developed with market rate ownership units shall observe the front setback standards of the USS Overlay Zone required by Chapter 30.85.
      - iii. All Other Lots. Projects on lots that do not front on the streets specified in Subparagraph 30.150.090E.1.a.i, State Street and First Blocks of Cross Streets, shall observe the following front setback standard:
        - (1) A uniform front setback of five feet shall be provided except where that portion of the structure which intrudes into the required five-foot front setback is appropriately balanced with a front setback area that

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exceeds the minimum five-foot front setback. The additional compensating setback area shall be in the front yard, and not located farther from the adjacent front lot line than one half of the depth of the lot.

- b. *Interior Setback Adjacent to Nonresidential Zone.* No interior setback is required for those projects adjacent to a nonresidential zone; provided, however, that projects on nonresidentially-zoned lots in the Medium-High Density designation within the USS Overlay Zone and developed with market rate ownership units shall observe the interior setback standards required by the applicable zone.
  - c. *Interior Setback Adjacent to Residential Zone.* A uniform interior setback of six feet shall be provided except for those projects where that portion of the structure which intrudes into the required six foot interior setback is appropriately balanced with an interior setback area that exceeds the minimum six foot interior setback; provided, however, that projects developed on nonresidentially-zoned lots in the Medium-High Density designation within the USS Overlay Zone and developed with market rate ownership units shall observe the interior setback standards required by the applicable zone.
- 2. ***R-M and R-MH Zones.*** Projects on lots developed in accordance with the Average Unit-Size Density Incentive Program in the R-M and R-MH Zones, except for market rate ownership projects within the USS Overlay Zone, shall observe the same setbacks as the R-M and R-MH Zones.
  - 3. ***CO-HV and CO-CAR Zones.*** Lots developed in accordance with the Average Unit-Size Density Incentive Program in the CO-HV and CO-CAR Zones shall observe the setback standards required by the applicable zone
- F. **Parking.** As an alternative to the residential parking requirements specified in Chapter 30.175, Parking Regulations, projects developed under the Average Unit-Size Density Incentive Program may observe the following residential parking requirements; provided, however, that projects on lots in the Medium-High Density designation subject to the USS Overlay Zone and developed with market rate ownership units shall observe the parking requirements required by the applicable zone:
- 1. **Studio, One-bedroom, and Two-bedroom Residential Units.** A minimum of one ~~covered or uncovered~~ parking space shall be provided for each residential unit. **The parking spaces may be covered, uncovered, or a combination of both.** Residential units developed under this Chapter shall not qualify

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for any additional Parking Exceptions or Reductions pursuant to Chapter 30.175, Parking Regulations.

2. **Three or more bedroom Residential Units.** A minimum of two parking spaces shall be provided for each residential unit with three or more bedrooms **on a lot that is located** outside of the Central Business District as such district is delineated in Figure 30.175.050.B. **A minimum of one parking space shall be provided for each residential unit with three or more bedrooms on a lot that is located within the Central Business District.** The parking spaces may be covered, uncovered, or a combination of both. Residential units developed under this Chapter shall not qualify for any additional Parking Exceptions or Reductions pursuant to Chapter 30.175, Parking Regulations.
  - 2.3. **Bicycle Parking.** A minimum of one covered and secured bicycle parking space shall be provided for each residential unit.
  - 3.4. **Guest Parking.** Guest parking is not required.
  - 4.5. **Other Parking Regulations.** Other than the number of required off-street parking spaces pursuant to Table 30.175.040, Required Off-Street Parking Spaces, projects developed under this Chapter shall observe all of the parking standards specified in Chapter 30.175, Parking Regulations.
- G. **Open Yard.** Projects developed in accordance with the Average Unit-Size Density Incentive Program shall provide open yard as follows:
1. **Residential Zones.** Projects in residential zones shall provide the open yard requirements specified by Section 30.140.140, Open Yards.
  2. **Nonresidential Zones.**
    - a. Projects in nonresidential zones, in the Medium-High Density designation, within USS Overlay Zone, and developed with market rate ownership units shall provide the Open Yard requirements specified by Section 30.140.140, Open Yards.
    - b. All other projects in nonresidential zones shall provide open yard as follows:
      - i. Private open yard, pursuant to **Sub**section 30.140.140. **C.2**, Open Yards; and
      - ii. On lots developed with four or more residential units, one additional area, located on grade or on a roof deck, is required with minimum dimensions of 15 feet long and 15 feet

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wide for use as a common open yard accessible to all residential units on the lot.

- iii. An Alternative Open Yard Design that meets the following standards is allowed to replace **a i** and **b ii** above.
- (1) Minimum Area: 15 percent of the net lot area located on the ground or on decks of any height, or on any floor of the building or structure;
  - (2) Standards and Location: Except those for private open yards, all open yard standards and location requirements, pursuant to **Subsection 30.140.140.D and E**, Open Yards, are met; and
  - (3) Common Open Yard Area. At least one area with a minimum dimension of 20 feet long and 20 feet wide, located on the ground or on decks of any height, or on any floor of the building or structure, that is accessible to all units for use as a common open yard area is provided.

**Section 2.** Chapter 30.150 of Title 30 (Inland Zoning Ordinance) of the Santa Barbara Municipal Code is amended to add Section 30.150.100 to read as follows:

**30.150.100 Prohibition Against Conversion of Residential Units to a Hotel or Similar Use.**

Residential Units approved, permitted, or constructed under the Average Unit-Size Density Incentive Program shall not be converted to a hotel or other similar use as delineated in Section 30.295.040.**PO**

**Section 3.** Section 30.155.080 of Chapter 30.155 of Title 30 (Inland Zoning Ordinance) of the Santa Barbara Municipal Code is amended to read as follows:

**30.155.080 Conversions of Residential Units to Hotels or Similar Uses**

Conversion of existing residential units to hotels or similar uses is allowed in any zone in which Hotels and Similar Uses are allowed by right or by use permit, subject to all applicable Sections of this Chapter and of Chapter 30.20, Residential Zones. In addition, the following standards shall apply:

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- A. **Lighting.** All outdoor lighting shall be hooded or shielded so that no direct beams fall on adjacent property. When outdoor lighting is provided, indirect soft lighting and low garden lighting shall be used whenever possible, and shall be required as necessary to assure compatibility with adjacent and surrounding properties.
- B. **Parking.** Off-street parking shall be provided as required in Chapter 30.175, Parking Regulations, or Subsection 30.155.080.C.5, below, if applicable, subject to the findings for approval of conversions to hotels or similar uses in Subsection 30.155.170.I.4.
- C. **Time-Share Projects.** If a proposed time-share project retains kitchens in the individual units, they shall be subject to all physical standards under Section 30.155.070, Physical Standards for Condominium Conversions. The conversion of a residential unit to a time-share project, wherein the converted unit consists of a suite of no more than two rooms and provides no individual kitchens or cooking facilities is exempt from the following Subsections of Section 30.155.070, Physical Standards for Condominium Conversions:
1. 30.155.070.A Unit Size;
  2. 30.155.070.D.1 Utility Metering, if a water shut-off valve is provided for each unit or for each plumbing fixture in that unit;
  3. 30.155.070.E Private Storage Space;
  4. 30.155.070.F Laundry Facilities; and
  5. 30.155.070.J Parking Standards, provided that parking for Hotels and Similar Uses pursuant to Table 30.175.040, Required Off-Street Parking Spaces, is provided. This requirement may be modified if the applicant can demonstrate that additional parking is not needed, pursuant to Chapter 30.250, Modifications
- D. **Use of Amenities – Time-Share Projects.** A provision shall be included in the "Declaration of Time-Share Plan" or similar instrument restricting the use of the project or its amenities by individual owners/users of a unit to the period of the time-share interval(s) or right-to-use.
- E. **Prohibition Against Conversion of Average Unit-Size Density Incentive Program Residential Units to a Hotel or Similar Use.** Residential units approved, permitted, or constructed under the Average Unit-Size Density Incentive Program shall not be converted to a hotel or other similar use as delineated in Section 30.295.040.P.O.

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**Section 4.** This ordinance shall become effective thirty (30) days after the date of its adoption. However, applications for development pursuant to the Average Unit-Size Density Incentive Program that were submitted and deemed complete before the effective date of this ordinance may proceed in accordance to the provisions of the Average Unit-Size Density Incentive Program that existed as of the date the application was deemed complete. An application for the conversion of a residential unit approved, permitted, or constructed under the Average Unit-Size Density Incentive Program to a hotel or other similar use may proceed in accordance to the provisions of Chapters 30.150 and 30.155 that existed as of the date the application was deemed complete if the application for conversion was submitted and deemed complete before September 1, 2018.

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